

By

Mason

S.B. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of plumbing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by amending Subdivisions (1), (2), (4), and (5) to read as follows:

(1) "Plumbing" means:

(A) All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, medical gases and vacuum, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, medical gases and vacuum, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; or

(B) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances in and about buildings where a person or persons live, work or

1 assemble, for a supply of gas, medical gases and vacuum, water,
2 liquids, or any combination thereof, or disposal of waste water or
3 sewage.

4 (2) "Master Plumber" means a person who is skilled in
5 the planning, superintending, and the practical installation,
6 repair, and service of plumbing, who secures permits for plumbing
7 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,
8 ordinances, or rules and regulations governing those matters, who
9 alone, or through a person or persons under his supervision,
10 performs plumbing work, and who has successfully fulfilled the
11 examinations and requirements of the Board.

12 (4) "Plumber's Apprentice" means any person other than
13 a master plumber or journeyman plumber who, as his principal
14 occupation, is engaged in learning and assisting in the
15 installation of plumbing, is registered by the Board, and works
16 under the direct supervision of a licensed plumber.

17 (5) "Plumbing Inspector" means any person who is
18 employed by a political subdivision for the purpose of inspecting
19 plumbing work and installations in connection with health and
20 safety laws, [and] ordinances, and plumbing and gas codes, who has
21 no financial or advisory interests in any plumbing company, and who
22 has successfully fulfilled the examinations and requirements of the
23 Board.

24 SECTION 2. Section 3, The Plumbing License Law (Article
25 6243-101, Vernon's Texas Civil Statutes), is amended to read as
26 follows:

27 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following

1 acts, work and conduct shall be expressly permitted without
2 license:

3 (a) Plumbing work done by a property owner in a
4 building owned and [or] occupied by him as his homestead;

5 (b) [~~Plumbing-work-done-outside-the--municipal--limits~~
6 ~~of-any-organized-city,-town-or-village-in-this-state,-or-within-any~~
7 ~~such--city,-town--or--village--of--less-than-five-thousand-(5,000)~~
8 ~~inhabitants,-unless-required-by-ordinance-in--such--city,-town--or~~
9 ~~village-of-less-than-five-thousand-(5,000)-inhabitants,~~

10 [(e)] Plumbing work done by anyone who is regularly
11 employed as or acting as a maintenance man or maintenance engineer,
12 incidental to and in connection with the business in which he is
13 employed or engaged, and who does not engage in the occupation of a
14 plumber for the general public; [~~construction,-installation-and~~
15 ~~maintenance work done upon the premises or equipment of a railroad~~
16 ~~by an employee thereof who does not engage in the occupation of a~~
17 ~~plumber for the general public; [and] plumbing work done by persons~~
18 ~~engaged by any public service company in the laying, maintenance~~
19 ~~and operation of its service mains or lines to the point of~~
20 ~~measurement; appliance [and---the---installation,-alteration,~~
21 ~~adjustment,-repair,-removal--and--renovation--of--all--types---of~~
22 ~~appurtenances,-equipment--and-appliances,-including-doing-all-that~~
23 ~~is-necessary-to--render--the--appliances--useable--or--serviceable,~~
24 ~~appliance]~~ installation and service work done by anyone who is an
25 appliance dealer or who is employed by an appliance dealer, and
26 acting as an appliance installation man or appliance service man in
27 connecting appliances to existing openings with a code-approved

1 appliance connector [~~pipng--installations~~]; and water treatment
2 installations, exchanges, services, or repairs. Provided, however,
3 that all work and service herein named or referred to shall be
4 subject to inspection and approval in accordance with the terms of
5 all state laws and local valid city or municipal ordinances;

6 (c) [~~d~~] Plumbing work done by a licensed irrigator
7 or licensed installer when working and licensed under Chapter 197,
8 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
9 Vernon's Texas Civil Statutes). A person holding a valid license
10 from the Texas State Board of Plumbing Examiners shall not be
11 required to be licensed by any other board or agency when
12 installing or working on a lawn irrigation system;

13 (d) LP Gas piping [~~e--Plumbing~~] work done by an LP
14 Gas installer when working and licensed under Chapter 113, Natural
15 Resources Code, as amended.

16 SECTION 3. Section 3A(a), The Plumbing License Law (Article
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as
18 follows:

19 (a) The Commissioner of Health or his designee shall certify
20 persons as being qualified for the installation, exchange,
21 servicing, and repair of residential water treatment facilities [~~as~~
22 ~~defined-by-Subsection-(g)-of-Section-2-of-this--Act~~]. The Texas
23 Board of Health shall set standards for certification to ensure the
24 public health and to protect the public from unqualified persons
25 engaging in activities relating to water treatment. Nothing in
26 this section shall be construed to require that persons licensed
27 pursuant to this Act are subject to certification under this

1 section.

2 SECTION 4. Section 4(a), The Plumbing License Law (Article
3 6243-101, Vernon's Texas Civil Statutes), is amended to read as
4 follows:

5 (a) The Texas State Board of Plumbing Examiners shall
6 consist of nine members, each of whom shall be a citizen of the
7 United States and a resident of this state. Members of the Board
8 and their successors shall be appointed by the Governor and
9 confirmed by the Senate, and shall hold office for terms of six
10 years, or until their successors are appointed and have qualified.
11 Appointments to the Board shall be made without regard to the race,
12 creed, sex, religion, or national origin of the appointees. One
13 member of the Board shall have had at least ten years practical
14 experience as a master plumber, one member shall have had at least
15 five years practical experience as a journeyman plumber, one member
16 shall be a plumbing contractor with five years experience, one
17 member shall be a licensed professional [sanitary] engineer engaged
18 in the practice of plumbing engineering and design, two members
19 shall be building contractors with five years contracting
20 experience (one of whom shall be principally engaged in home
21 building and one of whom shall be principally engaged in commercial
22 building), and one member shall have had at least five years
23 practical experience as a plumbing inspector. Two members must be
24 representatives of the general public. A person is not eligible
25 for appointment as a public member if the person or the person's
26 spouse:

27 (1) is licensed by an occupational regulatory agency

1 in the building construction industry;

2 (2) is employed by or participates in the management
3 of an agency or business entity related to the building
4 construction industry; or

5 (3) has, other than as a consumer, a financial
6 interest in a business entity related to the building construction
7 industry.

8 SECTION 5. Sections 5(a) and (d), The Plumbing License Law
9 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to
10 read as follows:

11 (a) The Board shall administer the provisions of this Act.
12 The Board shall formally elect a chairman and a secretary from its
13 members and may adopt such rules as it deems necessary for the
14 orderly conduct and enforcement of its affairs. The Board is
15 hereby authorized and empowered to employ, promote and discharge
16 such assistants and employees as it may deem necessary to properly
17 carry out the intent and purpose of this Act, and to fix and pay
18 their compensation and salaries and to provide for their duties and
19 the terms of their employment. A majority of the Board shall
20 constitute a quorum for the transaction of business. The Board
21 shall have a seal which shall be judicially noticed. The Board
22 shall keep records of all proceedings and actions by and before the
23 Board. The Board is hereby authorized, empowered and directed to
24 prescribe, amend and enforce all rules and regulations necessary to
25 carry out this Act. The Board shall appoint an employee or
26 employees thereof, with the power of removal, as a plumbing
27 examiner or examiners, whose duties shall be to examine, as to

1 their fitness and qualifications, all persons applying to the Board
2 for licenses to engage in the business, trade or calling of a
3 master plumber or a journeyman plumber or to serve as a plumbing
4 inspector, and to promptly certify the result thereof to said State
5 Board of Plumbing Examiners. The Board's examiners shall register
6 persons as plumber's apprentices in a manner prescribed by Board
7 rules.

8 (d) The Board shall [may] recognize, prepare, or implement
9 continuing education programs for licensees, endorsees, and
10 plumber's apprentices. [~~Participation--in---the---programs---is~~
11 ~~voluntary-~~]

12 SECTION 6. Section 8, The Plumbing License Law (Article
13 6243-101, Vernon's Texas Civil Statutes), is amended to read as
14 follows:

15 Sec. 8. ISSUANCE OF LICENSES AND CERTIFICATES OF
16 REGISTRATION. (a) The Board shall issue licenses to such persons
17 as have by a uniform, reasonable examination shown themselves fit,
18 competent and qualified to engage in the business, trade or calling
19 of a master plumber or journeyman plumber, or plumbing inspector,
20 as the case may be.

21 (b) Within 30 days after the date a licensing examination is
22 administered under this Act, the Board shall notify each examinee
23 of the results of the examination.

24 (c) If requested in writing by a person who fails the
25 licensing examination administered under this Act, the Board shall
26 furnish the person with an analysis of the person's performance on
27 the examination.

1 (d) The Board may waive any license requirement for an
2 applicant with a valid license from another state having license
3 requirements substantially equivalent to those of this state.

4 (e) A plumber's apprentice is required to be registered with
5 the Board by the master plumber who employs the apprentice or by
6 the training director of a United States Department of Labor Bureau
7 of Apprenticeship Training program in which the apprentice is
8 enrolled before the plumber's apprentice may provide any regulated
9 plumbing services. The Board shall issue a certificate of
10 registration to a plumber's apprentice.

11 (f) A license holder whose license was eligible for renewal
12 when the license holder retired and who is not actively engaged in
13 the business of plumbing may apply for retired status. The Board
14 by rule shall adopt procedures and requirements for placing a
15 license on retired status. A license holder on retired status is
16 not required to complete continuing education while the person is
17 on retired status.

18 SECTION 7. Section 8A(e), The Plumbing License Law (Article
19 6243-101, Vernon's Texas Civil Statutes), is amended to read as
20 follows:

21 (e) Each written contract for plumbing services in this
22 state [~~of a licensed plumber~~] shall contain the name, mailing
23 address, and telephone number of the Board.

24 SECTION 8. Section 8B, The Plumbing License Law (Article
25 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,
26 Acts of the 70th Legislature, Regular Session, 1987, is
27 redesignated as Section 8D and amended to read as follows:

1 Sec. 8D [8B]. ENFORCEMENT BY INSPECTOR. In addition to
2 enforcement by the Board, each plumbing inspector shall [may]
3 enforce this Act.

4 SECTION 9. Sections 8C(a) and (c), The Plumbing License Law
5 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to
6 read as follows:

7 (a) A medical gas piping installation endorsement entitles a
8 holder of a master plumber license or journeyman plumber license to
9 install pipe used solely to transport gases used for medical
10 purposes. The Board shall issue a medical gas piping endorsement
11 to a plumbing inspector who meets the requirements for an
12 endorsement under this section. A plumbing inspector who has an
13 endorsement under this section may inspect medical gas piping
14 installations.

15 (c) An endorsement under this section is valid for three
16 years and may be renewed as provided by Board rule [~~on--or--before~~
17 ~~February--17--or--as--provided--by--Section--12A--of--this--Act,--in--the--same~~
18 ~~manner--as--a--license--renewal--under--Section--12--of--this--Act~~].

19 SECTION 10. Sections 9(a), (c), (d), and (e), The Plumbing
20 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
21 amended to read as follows:

22 (a) The Board shall revoke or suspend a license,
23 endorsement, or certificate of registration, probate a license,
24 endorsement, or certificate of registration suspension, or
25 reprimand a licensee or registrant for any violations of this Act
26 or rules of the Board. A violation of this Act shall include but
27 not be limited to: obtaining a license, endorsement, or

1 certificate of registration through error or fraud; having
2 wilfully, negligently or arbitrarily violated municipal rules or
3 ordinances regulating sanitation, drainage and plumbing; knowingly
4 making a substantial misrepresentation of services to be provided
5 or which have been provided; or making any false promise with
6 intent to influence, persuade, or induce an individual to contract
7 for services. Any person whose license, endorsement, or
8 certificate of registration has been revoked may, after the
9 expiration of one year from the date of such revocation, but not
10 before, apply to the Board for a new license, endorsement, or
11 certificate of registration.

12 (c) If the Board proposes to refuse a person's application
13 for a license, endorsement, or certificate of registration
14 [~~license~~] or to suspend or revoke a person's license,
15 endorsement, or certificate of registration, the person is entitled
16 to a hearing before the Board. Grounds for suspension or
17 revocation of a license or endorsement due to suspected
18 incompetence or wilful violation by a licensee may be determined
19 through retesting procedures.

20 (d) Proceedings for the refusal, suspension, or revocation
21 of a license, endorsement, or certificate of registration are
22 governed by the Administrative Procedure and Texas Register Act, as
23 amended (Article 6252-13a, Vernon's Texas Civil Statutes).

24 (e) A person commits an offense if the person [~~knowingly~~]
25 violates this Act or a rule adopted under this Act, engages in
26 activities for which a license, endorsement, or certificate of
27 registration is required without a license, endorsement, or

1 certificate of registration issued under this Act, or employs an
2 unlicensed, unendorsed, or unregistered person to engage in
3 activities for which a license, endorsement, or certificate of
4 registration is required by this Act. An offense under this
5 subsection is a Class C misdemeanor.

6 SECTION 11. Section 12, The Plumbing License Law (Article
7 6243-101, Vernon's Texas Civil Statutes), is amended to read as
8 follows:

9 Sec. 12. LICENSES; RENEWALS. (a) A license, endorsement,
10 or certificate of registration [~~licenses~~] issued by the Board shall
11 be valid throughout the state, but shall not be assignable or
12 transferable. A license or certificate of registration [~~The Board~~
13 ~~shall forward to the local Board of Health, if there be one, of~~
14 ~~each town, or to the other authority having control of the~~
15 ~~enforcement of regulations relative to plumbing in each town, the~~
16 ~~names and addresses of all persons in such town to whom such~~
17 ~~licenses have been granted, licenses~~] shall be issued for one year
18 and may be renewed annually [~~on or before February 1st or as~~
19 ~~provided by Section 12A of this Act upon payment of the required~~
20 ~~fee~~]. The Board may adopt rules under which licenses,
21 endorsements, and certificates of registration expire on various
22 dates throughout the year.

23 (b) A person who has complied with the continuing education
24 requirement of Section 12B of this Act may renew an unexpired
25 license, endorsement, or certificate of registration by paying the
26 required renewal fee to the Board before the expiration date of the
27 license, endorsement, or certificate of registration.

1 (c) A person who has complied with the continuing education
2 requirement of Section 12B of this Act and whose license,
3 endorsement, or certificate of registration has been expired for 90
4 days or less may renew the license, endorsement, or certificate of
5 registration by paying to the Board the required renewal fee and,
6 if the renewal is for a license, a fee that is one-half of the
7 examination fee for the license or, if the fee is for a certificate
8 of registration, a fee that is one-half of the registration fee.

9 (d) A person who has complied with the continuing education
10 requirement of Section 12B of this Act and whose license,
11 endorsement, or certificate of registration has been expired for
12 longer than 90 days but less than two years may renew the license,
13 endorsement, or certificate of registration by paying to the Board
14 all unpaid renewal fees and, if the renewal is for a license or
15 certificate of registration, a fee that is equal to the examination
16 fee for a [the] license.

17 (e) If a person's license or endorsement has been expired
18 for two years or longer, the person may not renew the license or
19 endorsement. The person may obtain a new license or endorsement by
20 submitting to reexamination and complying with the requirements and
21 procedures for obtaining an original license or endorsement.

22 (f) At least 30 days before the expiration of a person's
23 license, endorsement, or certificate of registration, the Board
24 shall send written notice of the impending license, endorsement, or
25 certificate of registration expiration to the person at the
26 licensee's or registrant's last known address according to the
27 records of the Board. The licensee or registrant shall notify the

1 Board of any change of the person's name or address not later than
2 the 30th day after the date of the change.

3 SECTION 12. Sections 12B(a) and (d), The Plumbing License
4 Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended
5 to read as follows:

6 (a) A person holding a license, endorsement, or certificate
7 of registration under this Act must complete at least six hours of
8 continuing professional education each license year. Three of the
9 six hours required must be in the subjects of health protection,
10 energy conservation, and water conservation.

11 (d) A person holding a license, endorsement, or certificate
12 of registration under this Act [~~who-lives-in-a-county-having-no~~
13 ~~city-with-a-population--in--excess--of--100,000~~] may fulfill the
14 continuing professional education requirement of this section
15 through a correspondence course as provided by Board rule.

16 SECTION 13. Section 14(a), The Plumbing License Law (Article
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as
18 follows:

19 (a) No person, whether as a master plumber, journeyman
20 plumber, plumber's apprentice, or otherwise, shall engage in, work
21 at, or conduct the business of plumbing in this state or serve as a
22 plumbing inspector as herein defined, except as herein specifically
23 exempted from the provisions of this Act, unless such person is the
24 holder of a valid license, endorsement, or certificate of
25 registration as provided for by this Act. It shall be unlawful for
26 any person, firm, or corporation to engage in or work at the
27 business of installing plumbing and doing plumbing work except as

1 (f) A master plumber who holds a license on the effective
2 date of this Act is not required to obtain a certificate of
3 insurance under Section 15(d), The Plumbing License Law (Article
4 6243-101, Vernon's Texas Civil Statutes), as added by this Act,
5 until February 1, 1998.

6 SECTION 17. The importance of this legislation and the
7 crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.

1-1 By: Brown S.B. No. 805
1-2 (In the Senate - Filed February 26, 1997; March 4, 1997, read
1-3 first time and referred to Committee on State Affairs;
1-4 April 2, 1997, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 12, Nays 0; April 2, 1997,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 805 By: Cain

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the regulation of the practice of plumbing; providing
1-11 penalties.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivisions (1), (2), and (5), Section 2, The
1-14 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
1-15 Statutes), are amended to read as follows:

1-16 (1) "Plumbing" means:

1-17 (A) All piping, fixtures, appurtenances and
1-18 appliances for supply or recirculation of water, gas, medical gases
1-19 and vacuum, liquids, and drainage or elimination of sewage,
1-20 including disposal systems or any combination thereof, for all
1-21 personal or domestic purposes in and about buildings where a person
1-22 or persons live, work or assemble; all piping, fixtures,
1-23 appurtenances and appliances outside a building connecting the
1-24 building with the source of water, gas, medical gases and vacuum,
1-25 or other liquid supply, or combinations thereof, on the premises,
1-26 or the main in the street, alley or at the curb; all piping,
1-27 fixtures, appurtenances, appliances, drain or waste pipes carrying
1-28 waste water or sewage from or within a building to the sewer
1-29 service lateral at the curb or in the street or alley or other
1-30 disposal or septic terminal holding private or domestic sewage; or
1-31 (B) the installation, repair, service, and
1-32 maintenance of all piping, fixtures, appurtenances and appliances
1-33 in and about buildings where a person or persons live, work or
1-34 assemble, for a supply of gas, medical gases and vacuum, water,
1-35 liquids, or any combination thereof, or disposal of waste water or
1-36 sewage.

1-37 (2) "Master Plumber" means a person who is skilled in
1-38 the planning, superintending, and the practical installation,
1-39 repair, and service of plumbing, who secures permits for plumbing
1-40 work, who [and] is knowledgeable of [familiar--with] the codes,
1-41 ordinances, or rules and regulations governing those matters, who
1-42 alone, or through a person or persons under his supervision,
1-43 performs plumbing work, and who has successfully fulfilled the
1-44 examinations and requirements of the Board.

1-45 (5) "Plumbing Inspector" means any person who is
1-46 employed by a political subdivision for the purpose of inspecting
1-47 plumbing work and installations in connection with health and
1-48 safety laws, [and] ordinances, and plumbing and gas codes, who has
1-49 no financial or advisory interests in any plumbing company, and who
1-50 has successfully fulfilled the examinations and requirements of the
1-51 Board.

1-52 SECTION 2. Section 3, The Plumbing License Law (Article
1-53 6243-101, Vernon's Texas Civil Statutes), is amended to read as
1-54 follows:

1-55 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
1-56 acts, work and conduct shall be expressly permitted without
1-57 license:

1-58 (a) Plumbing work done by a property owner in a
1-59 building owned and [or] occupied by him as his homestead;

1-60 (b) Plumbing work done on a single family residential
1-61 property not connected to a public water system and located outside
1-62 the municipal limits of any organized city, town or village in this
1-63 state[7--or-within-any-such-city7--town-or-village-of-less-than--five
1-64 thousand--(5,000)--inhabitants7-unless-required-by-ordinance-in-such

city,--town--or--village--of--less--than--five---thousand---(5,000) inhabitants];

(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; [~~construction,--installation-and~~] maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or who is employed by an appliance dealer, and acting as an appliance installation man or appliance service man in connecting appliances to existing openings with a code-approved appliance connector [piping---installations]; and water treatment installations, exchanges, services, or repairs. Provided, however, that all work and service herein named or referred to shall be subject to inspection and approval in accordance with the terms of all state laws and local valid city or municipal ordinances;

(d) Plumbing work done by a licensed irrigator or licensed installer when working and licensed under Chapter 197, Acts of the 66th Legislature, Regular Session, 1979 (Article 8751, Vernon's Texas Civil Statutes). A person holding a valid license from the Texas State Board of Plumbing Examiners shall not be required to be licensed by any other board or agency when installing or working on a lawn irrigation system;

(e) LPG system [Plumbing] work done by an LP Gas installer when working and licensed under Chapter 113, Natural Resources Code, as amended.

SECTION 3. Subsection (a), Section 3A, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Commissioner of Health or his designee shall certify persons as being qualified for the installation, exchange, servicing, and repair of residential water treatment facilities [~~as defined--by--Subsection--(g)--of--Section-2-of-this-Act~~]. The Texas Board of Health shall set standards for certification to ensure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to this Act are subject to certification under this section.

SECTION 4. Subsection (a), Section 4, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas State Board of Plumbing Examiners shall consist of nine members, each of whom shall be a citizen of the United States and a resident of this state. Members of the Board and their successors shall be appointed by the Governor and confirmed by the Senate, and shall hold office for terms of six years, or until their successors are appointed and have qualified. Appointments to the Board shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. One member of the Board shall have had at least ten years practical experience as a master plumber, one member shall have had at least five years practical experience as a journeyman plumber, one member shall be a plumbing contractor with five years experience, one member shall be a licensed professional [sanitary] engineer knowledgeable in the practice of plumbing engineering and design, two members shall be building contractors with five years contracting experience (one of whom shall be principally engaged in home building and one of whom shall be principally engaged in commercial building), and one member shall have had at least five

3-1 years practical experience as a plumbing inspector. Two members
 3-2 must be representatives of the general public. A person is not
 3-3 eligible for appointment as a public member if the person or the
 3-4 person's spouse:

3-5 (1) is licensed by an occupational regulatory agency
 3-6 in the building construction industry;

3-7 (2) is employed by or participates in the management
 3-8 of an agency or business entity related to the building
 3-9 construction industry; or

3-10 (3) has, other than as a consumer, a financial
 3-11 interest in a business entity related to the building construction
 3-12 industry.

3-13 SECTION 5. Subsections (a) and (d), Section 5, The Plumbing
 3-14 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
 3-15 amended to read as follows:

3-16 (a) The Board shall administer the provisions of this Act.
 3-17 The Board shall formally elect a chairman and a secretary from its
 3-18 members and may adopt such rules as it deems necessary for the
 3-19 orderly conduct and enforcement of its affairs. The Board is
 3-20 hereby authorized and empowered to employ, promote and discharge
 3-21 such assistants and employees as it may deem necessary to properly
 3-22 carry out the intent and purpose of this Act, and to fix and pay
 3-23 their compensation and salaries and to provide for their duties and
 3-24 the terms of their employment. A majority of the Board shall
 3-25 constitute a quorum for the transaction of business. The Board
 3-26 shall have a seal which shall be judicially noticed. The Board
 3-27 shall keep records of all proceedings and actions by and before the
 3-28 Board. The Board is hereby authorized, empowered and directed to
 3-29 prescribe, amend and enforce all rules and regulations necessary to
 3-30 carry out this Act. The Board shall appoint an employee or
 3-31 employees thereof, with the power of removal, as a plumbing
 3-32 examiner or examiners, whose duties shall be to examine, as to
 3-33 their fitness and qualifications, all persons applying to the Board
 3-34 for licenses to engage in the business, trade or calling of a
 3-35 master plumber or a journeyman plumber or to serve as a plumbing
 3-36 inspector, and to promptly certify the result thereof to said State
 3-37 Board of Plumbing Examiners. The Board by rule may require
 3-38 plumbers' apprentices to register with the Board.

3-39 (d) The Board shall [may] recognize, prepare, or implement
 3-40 continuing education programs for licensees and endorsees.
 3-41 [Participation-in-the-programs-is-voluntary.]

3-42 SECTION 6. Section 8, The Plumbing License Law (Article
 3-43 6243-101, Vernon's Texas Civil Statutes), is amended by adding
 3-44 Subsection (e) to read as follows:

3-45 (e) A license holder whose license was eligible for renewal
 3-46 when the license holder retired and who is not actively engaged in
 3-47 the business of plumbing may apply for retired status. The Board
 3-48 by rule shall adopt procedures and requirements for placing a
 3-49 license on retired status. A license holder on retired status is
 3-50 not required to complete continuing education while the person is
 3-51 on retired status.

3-52 SECTION 7. Subsection (e), Section 8A, The Plumbing License
 3-53 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
 3-54 to read as follows:

3-55 (e) Each written contract for plumbing services in this
 3-56 state [of-a-licensed--plumber] shall contain the name, mailing
 3-57 address, and telephone number of the Board.

3-58 SECTION 8. Section 8B, The Plumbing License Law (Article
 3-59 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,
 3-60 Acts of the 70th Legislature, Regular Session, 1987, is
 3-61 redesignated as Section 8D and amended to read as follows:

3-62 Sec. 8D [8B]. ENFORCEMENT BY INSPECTOR. In addition to
 3-63 enforcement by the Board, each plumbing inspector shall [may]
 3-64 enforce this Act. This section does not require a municipality to
 3-65 deploy inspectors to enforce this Act other than to require a
 3-66 municipality to issue permits only to master plumbers.

3-67 SECTION 9. Subsections (a) and (c), Section 8C, The Plumbing
 3-68 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
 3-69 amended to read as follows:

(a) A medical gas piping installation endorsement entitles a holder of a master plumber license or journeyman plumber license to install pipe used solely to transport gases used for medical purposes. A person who holds a medical gas endorsement may inspect medical gas piping installations.

(c) An endorsement under this section is valid for three years and may be renewed as provided by Board rule [on-or-before February-17--or-as-provided-by-Section-12A-of-this-Act--in-the--same manner-as-a-license-renewal-under-Section-12-of-this-Act].

SECTION 10. Subsections (a), (c), (d), and (e), Section 9, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The Board shall revoke or suspend a license or endorsement, probate a license or endorsement suspension, or reprimand a licensee for any violations of this Act or rules of the Board. A violation of this Act shall include but not be limited to: obtaining a license or endorsement through error or fraud; having wilfully, negligently or arbitrarily violated municipal rules or ordinances regulating sanitation, drainage and plumbing; knowingly making a substantial misrepresentation of services to be provided or which have been provided; or making any false promise with intent to influence, persuade, or induce an individual to contract for services. Any person whose license or endorsement has been revoked may, after the expiration of one year from the date of such revocation, but not before, apply to the Board for a new license or endorsement.

(c) If the Board proposes to refuse a person's application for a license or endorsement [~~license~~] or to suspend or revoke a person's license or endorsement, the person is entitled to a hearing before the Board. Grounds for suspension or revocation of a license or endorsement due to suspected incompetence or wilful violation by a licensee may be determined through retesting procedures.

(d) Proceedings for the refusal, suspension, or revocation of a license or endorsement are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) A person commits an offense if the person knowingly violates this Act or a rule adopted under this Act, engages in activities for which a license or endorsement is required without a license or endorsement issued under this Act, or employs an unlicensed or unendorsed person to engage in activities for which a license or endorsement is required by this Act. An offense under this subsection is a Class C misdemeanor.

SECTION 11. Section 12, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement [licenses] issued by the Board shall be valid throughout the state, but shall not be assignable or transferable. A license [The Board shall forward to the local Board of Health, if there be one, of each town, or to the other authority having control of the enforcement of regulations relative to plumbing in each town, the names and addresses of all persons in such town to whom such licenses have been granted, licenses] shall be issued for one year and may be renewed annually [on--or--before--February--1st--or--as provided--by--Section--12A--of--this--Act--upon--payment--of--the--required fee]. The Board may adopt rules under which licenses and endorsements expire on various dates throughout the year.

(b) A person who has complied with the continuing education requirement of Section 12B of this Act may renew an unexpired license or endorsement by paying the required renewal fee to the Board before the expiration date of the license or endorsement.

(c) A person who has complied with the continuing education requirement of Section 12B of this Act and whose license or endorsement has been expired for 90 days or less may renew the license or endorsement by paying to the Board the required renewal fee and a fee that is one-half of the examination fee for the license or endorsement.

(d) A person who has complied with the continuing education requirement of Section 12B of this Act and whose license or endorsement has been expired for longer than 90 days but less than two years may renew the license or endorsement by paying to the Board all unpaid renewal fees and a fee that is equal to the examination fee for a [the] license.

(e) If a person's license or endorsement has been expired for two years or longer, the person may not renew the license or endorsement. The person may obtain a new license or endorsement by submitting to reexamination and complying with the requirements and procedures for obtaining an original license or endorsement.

(f) At least 30 days before the expiration of a person's license or endorsement, the Board shall send written notice of the impending license or endorsement expiration to the person at the licensee's last known address according to the records of the Board. The licensee shall notify the Board of any change of the person's name or address not later than the 30th day after the date of the change.

SECTION 12. Subsections (a) and (d), Section 12B, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A person holding a license or endorsement under this Act must complete at least six hours of continuing professional education each license year. Three of the six hours required must be in the subjects of health protection, energy conservation, and water conservation.

(d) A person holding a license or endorsement under this Act ~~[who lives in a county having no city with a population in excess of 100,000]~~ may fulfill the continuing professional education requirement of this section through a correspondence course as provided by Board rule.

SECTION 13. Subsection (a), Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) No person, whether as a master plumber, journeyman plumber, or otherwise, shall engage in, work at, or conduct the business of plumbing in this state or serve as a plumbing inspector as herein defined, except as herein specifically exempted from the provisions of this Act, unless such person is the holder of a valid license or endorsement as provided for by this Act. It shall be unlawful for any person, firm, or corporation to engage in or work at the business of installing plumbing and doing plumbing work except as specifically herein provided unless such installation of plumbing or plumbing work be under the active supervision and control of a plumber licensed under this Act. A license holder may not act as a water supply protection specialist unless the license holder has the appropriate license endorsement under Section 11A or 11B of this Act.

SECTION 14. Section 15, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended by adding Subsections (d), (e), and (f) to read as follows:

(d) A person holding a master plumber's license may not act as a master plumber unless the master plumber has submitted to the Board a certificate of insurance that meets the requirements of Subsection (c) of this section.

(e) A municipal utility district having boundaries that overlap the boundaries of a municipality is the controlling jurisdiction and is the only entity that may perform required plumbing inspections in an area located in both the municipal utility district and the municipality. A municipality may perform its own inspection under this subsection if the inspection performed by the municipal utility district responsible for conducting the inspection is not performed by a state-licensed plumbing inspector or if the municipality has inspection standards that are stricter than the municipal utility district's standards.

(f) A municipal utility district or municipality performing a plumbing inspection in an area in which the boundaries of those entities overlap may only collect an inspection permit fee if the entity is entitled to perform the inspection under Subsection (e)

6-1 of this section.

6-2 SECTION 15. Section 12A, The Plumbing License Law (Article
6-3 6243-101, Vernon's Texas Civil Statutes), is repealed.

6-4 SECTION 16. (a) Except as otherwise provided by this
6-5 section, this Act takes effect September 1, 1997.

6-6 (b) The Texas State Board of Plumbing Examiners shall adopt
6-7 rules under Subsection (d), Section 5, The Plumbing License Law
6-8 (Article 6243-101, Vernon's Texas Civil Statutes), as amended by
6-9 this Act, and rules that implement the continuing education
6-10 programs required by Section 12B, The Plumbing License Law (Article
6-11 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,
6-12 not later than February 1, 1998.

6-13 (c) A person performing plumbing services who must obtain a
6-14 license because of the changes made by this Act to Section 3, The
6-15 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
6-16 Statutes), is not required to obtain a master or journeyman plumber
6-17 license to perform those functions until February 1, 1998.

6-18 (d) A master plumber who holds a license on the effective
6-19 date of this Act is not required to obtain a certificate of
6-20 insurance under Subsection (d), Section 15, The Plumbing License
6-21 Law (Article 6243-101, Vernon's Texas Civil Statutes), as added by
6-22 this Act, until February 1, 1998.

6-23 SECTION 17. The importance of this legislation and the
6-24 crowded condition of the calendars in both houses create an
6-25 emergency and an imperative public necessity that the
6-26 constitutional rule requiring bills to be read on three several
6-27 days in each house be suspended, and this rule is hereby suspended.

6-28 * * * * *

FAVORABLY AS SUBSTITUTED
SENATE COMMITTEE REPORT ON

(SB) SCR SJR SR HB HCR HJR 805
By Brown
(Author/Senate Sponsor)
4-2-97
(date)

We, your Committee on STATE AFFAIRS, to which was referred the attached measure,
have on 3/25/97, had the same under consideration and I am instructed to report it
(date of hearing)
back with the recommendation (s) that it:

(☒) do pass as substituted, and be printed
(☒) the caption remained the same as original measure
(☒) the caption changed with adoption of the substitute

() do pass as substituted, and be ordered not printed

() and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. (☒) yes () no

A revised fiscal note was requested. (☒) yes () no

An actuarial analysis was requested. () yes (☒) no

Considered by subcommittee. () yes (☒) no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
Senator Armbrister, Chair	<input checked="" type="checkbox"/>			
Senator Nixon, Vice-Chair	<input checked="" type="checkbox"/>			
Senator Cain	<input checked="" type="checkbox"/>			
Senator Carona			<input checked="" type="checkbox"/>	
Senator Ellis	<input checked="" type="checkbox"/>			
Senator Fraser	<input checked="" type="checkbox"/>			
Senator Gallegos	<input checked="" type="checkbox"/>			
Senator Galloway	<input checked="" type="checkbox"/>			
Senator Lindsay	<input checked="" type="checkbox"/>			
Senator Luna	<input checked="" type="checkbox"/>			
Senator Nelson	<input checked="" type="checkbox"/>			
Senator Shapiro	<input checked="" type="checkbox"/>			
Senator Whitmire	<input checked="" type="checkbox"/>			
TOTAL VOTES	12	0	1	0

COMMITTEE ACTION

(S266) Considered in public hearing
(S270) Testimony taken

Kerry C. Millett
COMMITTEE CLERK

K. O. ...
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill along with TWO copies of the Committee Substitute
Retain one copy of this form for Committee files

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 28, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805,
Committee Report 1st House,
Substituted
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-Committee Report 1st House, Substituted
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of

persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

The provisions of this bill may create some fiscal impact to municipalities and municipal utility districts (MUDs). Section 14(e) of the bill allows a MUD with boundaries that overlap those of a municipality to be the controlling jurisdiction over plumbing inspections if the MUD has stricter plumbing standards than the municipality and the inspection is performed by a state-licensed plumber. Accordingly, some MUDs may experience an increase in plumbing inspections and related revenues from inspection permit fees. Conversely, some municipalities may experiences a decrease in plumbing inspections and fee revenue. However, municipalities with stricter plumbing standards than MUDs may experience an increase in the number of plumbing inspections performed. It is assumed that any increase in costs would be offset by an increase in inspection permit fees as allowed under Section 14(f) of the bill.

Source: Agencies:

LBB Staff: JK, JD, BK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 24, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (Relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-As Introduced

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Agencies:

LBB Staff: JK, JD, BK

WITNESS LIST

SB 805
SENATE COMMITTEE REPORT
State Affairs Committee

March 25, 1997 - 2:00P

For: Rayas, Juan (Self), El Paso

On: Briers, Stanley (St. Bd. of Plumbing Exa), Taylor
Hardwick, Jeff (TX Assn of Healthcare), Austin
Kissling, Gilbert (TX Board of Plumbing Eg), Austin
Maxwell, Robert (State Plumbing Board), Austin
Smith, Stuart (TX Assn of Healthcare), Austin
Stacy, Deborah (Self), Ft. Worth

Registering, but not testifying:

For: Christianson, Robert (Self), Round Rock
Smith, Gary (Lone Star Gas Co.), Dallas

ADOPTED

APR 18 1997

Atty. Ling
Secretary of the Senate

By: Brown

S.B. No. 805

Substitute the following for S.B. No. 805:

By: Cai

C.S.S.B. No. 805

A BILL TO BE ENTITLED

AN ACT

1 relating to the regulation of the practice of plumbing; providing
2 penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subdivisions (1), (2), and (5), Section 2, The
5 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
6 Statutes), are amended to read as follows:

7 (1) "Plumbing" means:

8 (A) All piping, fixtures, appurtenances and
9 appliances for supply or recirculation of water, gas, medical gases
10 and vacuum, liquids, and drainage or elimination of sewage,
11 including disposal systems or any combination thereof, for all
12 personal or domestic purposes in and about buildings where a person
13 or persons live, work or assemble; all piping, fixtures,
14 appurtenances and appliances outside a building connecting the
15 building with the source of water, gas, medical gases and vacuum,
16 or other liquid supply, or combinations thereof, on the premises,
17 or the main in the street, alley or at the curb; all piping,
18 fixtures, appurtenances, appliances, drain or waste pipes carrying
19 waste water or sewage from or within a building to the sewer
20 service lateral at the curb or in the street or alley or other
21 disposal or septic terminal holding private or domestic sewage; or

22 (B) the installation, repair, service, and

4-2-97
4/18/97/w 4/18/97

1 maintenance of all piping, fixtures, appurtenances and appliances ^{1/2}
2 in and about buildings where a person or persons live, work or
3 assemble, for a supply of gas, medical gases and vacuum, water,
4 liquids, or any combination thereof, or disposal of waste water or
5 sewage.

6 (2) "Master Plumber" means a person who is skilled in
7 the planning, superintending, and the practical installation,
8 repair, and service of plumbing, who secures permits for plumbing
9 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,
10 ordinances, or rules and regulations governing those matters, who
11 alone, or through a person or persons under his supervision,
12 performs plumbing work, and who has successfully fulfilled the
13 examinations and requirements of the Board.

14 (5) "Plumbing Inspector" means any person who is
15 employed by a political subdivision for the purpose of inspecting
16 plumbing work and installations in connection with health and
17 safety laws, [and] ordinances, and plumbing and gas codes, who has
18 no financial or advisory interests in any plumbing company, and who
19 has successfully fulfilled the examinations and requirements of the
20 Board.

21 SECTION 2. Section 3, The Plumbing License Law (Article
22 6243-101, Vernon's Texas Civil Statutes), is amended to read as
23 follows:

24 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
25 acts, work and conduct shall be expressly permitted without
26 license: ^{2/3}

(a) Plumbing work done by a property owner in a building owned and [or] occupied by him as his homestead;

(b) Plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of any organized city, town or village in this state ~~[---or---within---any---such---city---town---or---village---of---less---than---five---thousand---(5,000)---inhabitants,---unless---required---by---ordinance---in---such---city,---town---or---village---of---less---than---five---thousand---(5,000)---inhabitants];~~

(c) Plumbing work done by anyone who is regularly employed as or acting as a maintenance man or maintenance engineer, incidental to and in connection with the business in which he is employed or engaged, and who does not engage in the occupation of a plumber for the general public; ~~[construction, installation and]~~ maintenance work done upon the premises or equipment of a railroad by an employee thereof who does not engage in the occupation of a plumber for the general public; and plumbing work done by persons engaged by any public service company in the laying, maintenance and operation of its service mains or lines to the point of measurement and the installation, alteration, adjustment, repair, removal and renovation of all types of appurtenances, equipment and appliances, including doing all that is necessary to render the appliances useable or serviceable; appliance installation and service work done by anyone who is an appliance dealer or who is employed by an appliance dealer, and acting as an appliance^{3/4} installation man or appliance service man in connecting appliances

1 to existing openings with a code-approved appliance connector
 2 [piping--installations]; and water treatment installations,
 3 exchanges, services, or repairs. Provided, however, that all work
 4 and service herein named or referred to shall be subject to
 5 inspection and approval in accordance with the terms of all state
 6 laws and local valid city or municipal ordinances;

7 (d) Plumbing work done by a licensed irrigator or
 8 licensed installer when working and licensed under Chapter 197,
 9 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
 10 Vernon's Texas Civil Statutes). A person holding a valid license
 11 from the Texas State Board of Plumbing Examiners shall not be
 12 required to be licensed by any other board or agency when
 13 installing or working on a lawn irrigation system;

14 (e) LPG system [~~Plumbing~~] work done by an LP Gas
 15 installer when working and licensed under Chapter 113, Natural
 16 Resources Code, as amended;

17 *Section 3. Subsection (a), Section 3A, The Plumbing License*
 18 *Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended*
 19 *to read as follows:*

20 (a) The Commissioner of Health or his designee shall certify
 21 persons as being qualified for the installation, exchange,
 22 servicing, and repair of residential water treatment facilities [~~as~~^{4/5}
 23 ~~defined-by-Subsection-(g)-of-Section-2-of--this--Act~~]. The Texas
 24 Board of Health shall set standards for certification to ensure the
 25 public health and to protect the public from unqualified persons
 26 engaging in activities relating to water treatment. Nothing in

1 this section shall be construed to require that persons licensed
2 pursuant to this Act are subject to certification under this
3 section.

4 SECTION 4. Subsection (a), Section 4, The Plumbing License
5 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
6 to read as follows:

7 (a) The Texas State Board of Plumbing Examiners shall
8 consist of nine members, each of whom shall be a citizen of the
9 United States and a resident of this state. Members of the Board
10 and their successors shall be appointed by the Governor and
11 confirmed by the Senate, and shall hold office for terms of six
12 years, or until their successors are appointed and have qualified.
13 Appointments to the Board shall be made without regard to the race,
14 creed, sex, religion, or national origin of the appointees. One
15 member of the Board shall have had at least ten years practical
16 experience as a master plumber, one member shall have had at least
17 five years practical experience as a journeyman plumber, one member
18 shall be a plumbing contractor with five years experience, one
19 member shall be a licensed professional [sanitary] engineer
20 knowledgeable in the practice of plumbing engineering and design,
21 two members shall be building contractors with five years^{b/c}
22 contracting experience (one of whom shall be principally engaged in
23 home building and one of whom shall be principally engaged in
24 commercial building), and one member shall have had at least five
25 years practical experience as a plumbing inspector. Two members
26 must be representatives of the general public. A person is not

1 eligible for appointment as a public member if the person or the
2 person's spouse:

3 (1) is licensed by an occupational regulatory agency
4 in the building construction industry;

5 (2) is employed by or participates in the management
6 of an agency or business entity related to the building
7 construction industry; or

8 (3) has, other than as a consumer, a financial
9 interest in a business entity related to the building construction
10 industry.

11 SECTION 5. Subsections (a) and (d), Section 5, The Plumbing
12 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
13 amended to read as follows:

14 (a) The Board shall administer the provisions of this Act.
15 The Board shall formally elect a chairman and a secretary from its
16 members and may adopt such rules as it deems necessary for the
17 orderly conduct and enforcement of its affairs. The Board is
18 hereby authorized and empowered to employ, promote and discharge
19 such assistants and employees as it may deem necessary to properly
20 carry out the intent and purpose of this Act, and to fix and pay^{4/7}
21 their compensation and salaries and to provide for their duties and
22 the terms of their employment. A majority of the Board shall
23 constitute a quorum for the transaction of business. The Board
24 shall have a seal which shall be judicially noticed. The Board
25 shall keep records of all proceedings and actions by and before the
26 Board. The Board is hereby authorized, empowered and directed to

1 prescribe, amend and enforce all rules and regulations necessary to
2 carry out this Act. The Board shall appoint an employee or
3 employees thereof, with the power of removal, as a plumbing
4 examiner or examiners, whose duties shall be to examine, as to
5 their fitness and qualifications, all persons applying to the Board
6 for licenses to engage in the business, trade or calling of a
7 master plumber or a journeyman plumber or to serve as a plumbing
8 inspector, and to promptly certify the result thereof to said State
9 Board of Plumbing Examiners. The Board by rule may require
10 plumbers' apprentices to register with the Board.

11 (d) The Board shall [~~may~~] recognize, prepare, or implement
12 continuing education programs for licensees and endorsees.
13 [~~Participation-in-the-programs-is-voluntary.~~]

14 SECTION 6. Section 8, The Plumbing License Law (Article
15 6243-101, Vernon's Texas Civil Statutes), is amended by adding
16 Subsection (e) to read as follows:

17 (e) A license holder whose license was eligible for renewal
18 when the license holder retired and who is not actively engaged in
19 the business of plumbing may apply for retired status. The Board
20 by rule shall adopt procedures and requirements for placing a
21 license on retired status. A license holder on retired status is
22 not required to complete continuing education while the person is
23 on retired status.

24 SECTION 7. Subsection (e), Section 8A, The Plumbing License
25 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
26 to read as follows:

1 (e) Each written contract for plumbing services in this
2 state [~~of--a--licensed--plumber~~] shall contain the name, mailing
3 address, and telephone number of the Board.

4 SECTION 8. Section 8B, The Plumbing License Law (Article
5 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,
6 Acts of the 70th Legislature, Regular Session, 1987, is
7 redesignated as Section 8D and amended to read as follows:

8 Sec. 8D [~~8B~~]. ENFORCEMENT BY INSPECTOR. In addition to
9 enforcement by the Board, each plumbing inspector shall [~~may~~]
10 enforce this Act. This section does not require a municipality to
11 deploy inspectors to enforce this Act other than to require a
12 municipality to issue permits only to master plumbers.

13 SECTION 9. Subsections (a) and (c), Section 8C, The Plumbing
14 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
15 amended to read as follows:

16 (a) A medical gas piping installation endorsement entitles a
17 holder of a master plumber license or journeyman plumber license to
18 install pipe used solely to transport gases used for medical
19 purposes. A person who holds a medical gas endorsement may inspect
20 medical gas piping installations.

21 (c) An endorsement under this section is valid for three
22 years and may be renewed as provided by Board rule [~~on--or--before~~
23 ~~February-17--or-as-provided-by-Section-12A-of-this-Act,--in-the-same~~
24 ~~manner-as-a-license-renewal-under-Section-12-of-this-Act~~].

25 SECTION 10. Subsections (a), (c), (d), and (e), Section 9,
26 The Plumbing License Law (Article 6243-101, Vernon's Texas Civil

1 Statutes), are amended to read as follows:

2 (a) The Board shall revoke or suspend a license or
3 endorsement, probate a license or endorsement suspension, or
4 reprimand a licensee for any violations of this Act or rules of the
5 Board. A violation of this Act shall include but not be limited
6 to: obtaining a license or endorsement through error or fraud;
7 having wilfully, negligently or arbitrarily violated municipal
8 rules or ordinances regulating sanitation, drainage and plumbing;
9 knowingly making a substantial misrepresentation of services to be
10 provided or which have been provided; or making any false promise
11 with intent to influence, persuade, or induce an individual to
12 contract for services. Any person whose license or endorsement has
13 been revoked may, after the expiration of one year from the date of
14 such revocation, but not before, apply to the Board for a new
15 license or endorsement.

16 (c) If the Board proposes to refuse a person's application
17 for a license or endorsement [~~licensure~~] or to suspend or revoke a
18 person's license or endorsement, the person is entitled to a
19 hearing before the Board. Grounds for suspension or revocation of
20 a license or endorsement due to suspected incompetence or wilful
21 violation by a licensee may be determined through retesting
22 procedures.

23 (d) Proceedings for the refusal, suspension, or revocation
24 of a license or endorsement are governed by the Administrative
25 Procedure and Texas Register Act, as amended (Article 6252-13a,
26 Vernon's Texas Civil Statutes).

1 (e) A person commits an offense if the person knowingly
 2 violates this Act or a rule adopted under this Act, engages in
 3 activities for which a license or endorsement is required without a
 4 license or endorsement issued under this Act, or employs an
 5 unlicensed or unendorsed person to engage in activities for which a
 6 license or endorsement is required by this Act. An offense under
 7 this subsection is a Class C misdemeanor.

8 SECTION 11. Section 12, The Plumbing License Law (Article
 9 6243-101, Vernon's Texas Civil Statutes), is amended to read as
 10 follows:

11 Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement
 12 [~~licenses~~] issued by the Board shall be valid throughout the state,
 13 but shall not be assignable or transferable. A license [~~The Board~~
 14 ~~shall forward to the local Board of Health, if there be one, of~~
 15 ~~each town, or to the other authority having control of the~~
 16 ~~enforcement of regulations relative to plumbing in each town, the~~^{16/11}
 17 ~~names and addresses of all persons in such town to whom such~~
 18 ~~licenses have been granted, licenses~~] shall be issued for one year
 19 and may be renewed annually [~~on or before February 1st or as~~
 20 ~~provided by Section 12A of this Act upon payment of the required~~
 21 ~~fee~~]. The Board may adopt rules under which licenses and
 22 endorsements expire on various dates throughout the year.

23 (b) A person who has complied with the continuing education
 24 requirement of Section 12B of this Act may renew an unexpired
 25 license or endorsement by paying the required renewal fee to the
 26 Board before the expiration date of the license or endorsement.

1 (c) A person who has complied with the continuing education
2 requirement of Section 12B of this Act and whose license or
3 endorsement has been expired for 90 days or less may renew the
4 license or endorsement by paying to the Board the required renewal
5 fee and a fee that is one-half of the examination fee for the
6 license or endorsement.

7 (d) A person who has complied with the continuing education
8 requirement of Section 12B of this Act and whose license or
9 endorsement has been expired for longer than 90 days but less than
10 two years may renew the license or endorsement by paying to the
11 Board all unpaid renewal fees and a fee that is equal to the
12 examination fee for a [the] license.

13 (e) If a person's license or endorsement has been expired
14 for two years or longer, the person may not renew the license or
15 endorsement. The person may obtain a new license or endorsement by
16 submitting to reexamination and complying with the requirements and
17 procedures for obtaining an original license or endorsement.

18 (f) At least 30 days before the expiration of a person's
19 license or endorsement, the Board shall send written notice of the
20 impending license or endorsement expiration to the person at the
21 licensee's last known address according to the records of the
22 Board. The licensee shall notify the Board of any change of the
23 person's name or address not later than the 30th day after the date
24 of the change.

25 SECTION 12. Subsections (a) and (d), Section 12B, The
26 Plumbing License Law (Article 6243-101, Vernon's Texas Civil

1 Statutes), are amended to read as follows:

2 (a) A person holding a license or endorsement under this Act
3 must complete at least six hours of continuing professional
4 education each license year. Three of the six hours required must
5 be in the subjects of health protection, energy conservation, and
6 water conservation.

7 (d) A person holding a license or endorsement under this Act
8 [~~who-lives-in-a-county-having-no-city-with-a-population--in--excess~~
9 ~~of--100,000~~] may fulfill the continuing professional education
10 requirement of this section through a correspondence course as
11 provided by Board rule.

12 SECTION 13. Subsection (a), Section 14, The Plumbing License
13 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
14 to read as follows: ¹²

15 (a) No person, whether as a master plumber, journeyman
16 plumber, or otherwise, shall engage in, work at, or conduct the
17 business of plumbing in this state or serve as a plumbing inspector
18 as herein defined, except as herein specifically exempted from the
19 provisions of this Act, unless such person is the holder of a valid
20 license or endorsement as provided for by this Act. It shall be
21 unlawful for any person, firm, or corporation to engage in or work
22 at the business of installing plumbing and doing plumbing work
23 except as specifically herein provided unless such installation of
24 plumbing or plumbing work be under the active supervision and
25 control of a plumber licensed under this Act. A license holder may
26 not act as a water supply protection specialist unless the license

1 holder has the appropriate license endorsement under Section 11A or
2 11B of this Act.

3 SECTION 14. Section 15, The Plumbing License Law (Article
4 6243-101, Vernon's Texas Civil Statutes), is amended by adding
5 Subsections (d), (e), and (f) to read as follows:

6 (d) A person holding a master plumber's license may not act
7 as a master plumber unless the master plumber has submitted to the
8 Board a certificate of insurance that meets the requirements of
9 Subsection (c) of this section.

10 (e) A municipal utility district having boundaries that
11 overlap the boundaries of a municipality is the controlling
12 jurisdiction and is the only entity that may perform required
13 plumbing inspections in an area located in both the municipal^{13/1}
14 utility district and the municipality. A municipality may perform
15 its own inspection under this subsection if the inspection
16 performed by the municipal utility district responsible for
17 conducting the inspection is not performed by a state-licensed
18 plumbing inspector or if the municipality has inspection standards
19 that are stricter than the municipal utility district's standards.

20 (f) A municipal utility district or municipality performing
21 a plumbing inspection in an area in which the boundaries of those
22 entities overlap may only collect an inspection permit fee if the
23 entity is entitled to perform the inspection under Subsection (e)
24 of this section.

25 SECTION 15. Section 12A, The Plumbing License Law (Article
26 6243-101, Vernon's Texas Civil Statutes), is repealed.

1 SECTION 16. (a) Except as otherwise provided by this
2 section, this Act takes effect September 1, 1997.

3 (b) The Texas State Board of Plumbing Examiners shall adopt
4 rules under Subsection (d), Section 5, The Plumbing License Law
5 (Article 6243-101, Vernon's Texas Civil Statutes), as amended by
6 this Act, and rules that implement the continuing education
7 programs required by Section 12B, The Plumbing License Law (Article
8 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,
9 not later than February 1, 1998.

10 (c) A person performing plumbing services who must obtain a
11 license because of the changes made by this Act to Section 3, The
12 Plumbing License Law (Article 6243-101, Vernon's Texas Civil ^{19/15}
13 Statutes), is not required to obtain a master or journeyman plumber
14 license to perform those functions until February 1, 1998.

15 (d) A master plumber who holds a license on the effective
16 date of this Act is not required to obtain a certificate of
17 insurance under Subsection (d), Section 15, The Plumbing License
18 Law (Article 6243-101, Vernon's Texas Civil Statutes), as added by
19 this Act, until February 1, 1998.

20 SECTION 17. The importance of this legislation and the
21 crowded condition of the calendars in both houses create an
22 emergency and an imperative public necessity that the
23 constitutional rule requiring bills to be read on three several
24 days in each house be suspended, and this rule is hereby suspended.

4/18/97
not.

FLOOR AMENDMENT NO. 1

BY 

Amend C.S.S.B. No. 805 as follows:

After "building owned" in Section 3(a) of SECTION 2 of the bill
(Committee Printing page ³1, line ²59) strike "and [~~or~~]" and substitute "or".

ADOPTED

APR 18 1997


Secretary of the Senate

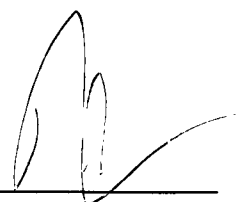
Floor Am. #1
4-18-97

ADOPTED

APR 18 1997

Butty Ling
Secretary of the Senate

FLOOR AMENDMENT NO. 2

BY 

1 Amend C.S.S.B. No. 805, SECTION 2, Subsection (b) to read as
2 follows:

3 ~~(b) Plumbing work done on a single family residential property~~
4 ~~not connected to a public water system and located outside the~~
5 ~~municipal limits of any organized city, town or village in this~~
6 ~~state, or within any such city, town or village of less than one~~
7 ~~thousand (1,000) inhabitants, unless required by ordinance in such~~
8 ~~city, town or village of less than one thousand (1,000)~~
9 ~~inhabitants;~~ (Committee printing, beginning on page 1, line 60)


Floor Am: # 2
4-18-97

ADOPTED

APR 18 1997

Letty Ling
Secretary of the Senate

FLOOR AMENDMENT NO. 3

BY 
/

- 1 Amend C.S.S.B. No. 805, SECTION 2, subsection (c) by inserting
- 2 the following after "the general public;" and before "maintenance
- 3 work": "construction, installation and" (Committee Printing, page 2,⁵³
- 4 line 7)¹⁰

Floor Am. #3
4-18-97

ADOPTED

APR 18 1997

Letty King
Secretary of the Senate

FLOOR AMENDMENT NO. 4

BY *[Signature]*

- 1 Amend C.S.S.B. 805, SECTION 2, by adding a new Subsection (f)
- 2 to Section 3, The Plumbing License Law, to read as follows:
- 3 (f) Water well drilling work done by a well driller who is
- 4 licensed under Chapter 32, Water Code.

4-18-97

Floor Am #4

4-18-97

AMEND THE CAPTION TO CONFORM
TO THE BODY OF THE BILL

ADOPTED

APR 18 1997

Letty Ling
Secretary of the Senate

April 18 1997 Engrossed
Datsy Law
Engrossing Clerk

By: Brown

S.B. No. 805

A BILL TO BE ENTITLED

AN ACT

1 relating to the regulation of the practice of plumbing; providing
2 penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

4 SECTION 1. Subdivisions (1), (2), and (5), Section 2, The
5 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
6 Statutes), are amended to read as follows:

7 (1) "Plumbing" means:

8 (A) All piping, fixtures, appurtenances and
9 appliances for supply or recirculation of water, gas, medical gases
10 and vacuum, liquids, and drainage or elimination of sewage,
11 including disposal systems or any combination thereof, for all
12 personal or domestic purposes in and about buildings where a person
13 or persons live, work or assemble; all piping, fixtures,
14 appurtenances and appliances outside a building connecting the
15 building with the source of water, gas, medical gases and vacuum,
16 or other liquid supply, or combinations thereof, on the premises,
17 or the main in the street, alley or at the curb; all piping,
18 fixtures, appurtenances, appliances, drain or waste pipes carrying
19 waste water or sewage from or within a building to the sewer
20 service lateral at the curb or in the street or alley or other
21 disposal or septic terminal holding private or domestic sewage; or

22 (B) the installation, repair, service, and
23 maintenance of all piping, fixtures, appurtenances and appliances

in and about buildings where a person or persons live, work or assemble, for a supply of gas, medical gases and vacuum, water, liquids, or any combination thereof, or disposal of waste water or sewage.

(2) "Master Plumber" means a person who is skilled in the planning, superintending, and the practical installation, repair, and service of plumbing, who secures permits for plumbing work, who [and] is knowledgeable of [~~familiar-with~~] the codes, ordinances, or rules and regulations governing those matters, who alone, or through a person or persons under his supervision, performs plumbing work, and who has successfully fulfilled the examinations and requirements of the Board.

(5) "Plumbing Inspector" means any person who is employed by a political subdivision for the purpose of inspecting plumbing work and installations in connection with health and safety laws, [and] ordinances, and plumbing and gas codes, who has no financial or advisory interests in any plumbing company, and who has successfully fulfilled the examinations and requirements of the Board.

SECTION 2. Section 3, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following acts, work and conduct shall be expressly permitted without license:

1 (a) Plumbing work done by a property owner in a
2 building owned or occupied by him as his homestead;

3 (b) Plumbing work done on a single family residential
4 property not connected to a public water system and located outside
5 the municipal limits of any organized city, town or village in this
6 state, or within any such city, town or village of less than one
7 thousand (1,000) [~~five--thousand--(5,000)~~] inhabitants, unless
8 required by ordinance in such city, town or village of less than
9 one thousand (1,000) [~~five-thousand-(5,000)~~] inhabitants;

10 (c) Plumbing work done by anyone who is regularly
11 employed as or acting as a maintenance man or maintenance engineer,
12 incidental to and in connection with the business in which he is
13 employed or engaged, and who does not engage in the occupation of a
14 plumber for the general public; construction, installation and
15 maintenance work done upon the premises or equipment of a railroad
16 by an employee thereof who does not engage in the occupation of a
17 plumber for the general public; and plumbing work done by persons
18 engaged by any public service company in the laying, maintenance
19 and operation of its service mains or lines to the point of
20 measurement and the installation, alteration, adjustment, repair,
21 removal and renovation of all types of appurtenances, equipment and
22 appliances, including doing all that is necessary to render the
23 appliances useable or serviceable; appliance installation and
24 service work done by anyone who is an appliance dealer or who is
25 employed by an appliance dealer, and acting as an appliance

1 installation man or appliance service man in connecting appliances
 2 to existing openings with a code-approved appliance connector
 3 [~~pipng--installations~~]; and water treatment installations,
 4 exchanges, services, or repairs. Provided, however, that all work
 5 and service herein named or referred to shall be subject to
 6 inspection and approval in accordance with the terms of all state
 7 laws and local valid city or municipal ordinances;

8 (d) Plumbing work done by a licensed irrigator or
 9 licensed installer when working and licensed under Chapter 197,
 10 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
 11 Vernon's Texas Civil Statutes). A person holding a valid license
 12 from the Texas State Board of Plumbing Examiners shall not be
 13 required to be licensed by any other board or agency when
 14 installing or working on a lawn irrigation system;

15 (e) LPG system [~~Plumbing~~] work done by an LP Gas
 16 installer when working and licensed under Chapter 113, Natural
 17 Resources Code, as amended;

18 (f) Water well drilling work done by a well driller
 19 who is licensed under Chapter 32, Water Code.

20 SECTION 3. Subsection (a), Section 3A, The Plumbing License
 21 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
 22 to read as follows:

23 (a) The Commissioner of Health or his designee shall certify
 24 persons as being qualified for the installation, exchange,
 25 servicing, and repair of residential water treatment facilities [~~as~~

defined-by-Subsection-(g)-of-Section-2-of--this--Act]. The Texas Board of Health shall set standards for certification to ensure the public health and to protect the public from unqualified persons engaging in activities relating to water treatment. Nothing in this section shall be construed to require that persons licensed pursuant to this Act are subject to certification under this section.

SECTION 4. Subsection (a), Section 4, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

(a) The Texas State Board of Plumbing Examiners shall consist of nine members, each of whom shall be a citizen of the United States and a resident of this state. Members of the Board and their successors shall be appointed by the Governor and confirmed by the Senate, and shall hold office for terms of six years, or until their successors are appointed and have qualified. Appointments to the Board shall be made without regard to the race, creed, sex, religion, or national origin of the appointees. One member of the Board shall have had at least ten years practical experience as a master plumber, one member shall have had at least five years practical experience as a journeyman plumber, one member shall be a plumbing contractor with five years experience, one member shall be a licensed professional [sanitary] engineer knowledgeable in the practice of plumbing engineering and design, two members shall be building contractors with five years

1 contracting experience (one of whom shall be principally engaged in
2 home building and one of whom shall be principally engaged in
3 commercial building), and one member shall have had at least five
4 years practical experience as a plumbing inspector. Two members
5 must be representatives of the general public. A person is not
6 eligible for appointment as a public member if the person or the
7 person's spouse:

8 (1) is licensed by an occupational regulatory agency
9 in the building construction industry;

10 (2) is employed by or participates in the management
11 of an agency or business entity related to the building
12 construction industry; or

13 (3) has, other than as a consumer, a financial
14 interest in a business entity related to the building construction
15 industry.

16 SECTION 5. Subsections (a) and (d), Section 5, The Plumbing
17 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
18 amended to read as follows:

19 (a) The Board shall administer the provisions of this Act.
20 The Board shall formally elect a chairman and a secretary from its
21 members and may adopt such rules as it deems necessary for the
22 orderly conduct and enforcement of its affairs. The Board is
23 hereby authorized and empowered to employ, promote and discharge
24 such assistants and employees as it may deem necessary to properly
25 carry out the intent and purpose of this Act, and to fix and pay

1 their compensation and salaries and to provide for their duties and
2 the terms of their employment. A majority of the Board shall
3 constitute a quorum for the transaction of business. The Board
4 shall have a seal which shall be judicially noticed. The Board
5 shall keep records of all proceedings and actions by and before the
6 Board. The Board is hereby authorized, empowered and directed to
7 prescribe, amend and enforce all rules and regulations necessary to
8 carry out this Act. The Board shall appoint an employee or
9 employees thereof, with the power of removal, as a plumbing
10 examiner or examiners, whose duties shall be to examine, as to
11 their fitness and qualifications, all persons applying to the Board
12 for licenses to engage in the business, trade or calling of a
13 master plumber or a journeyman plumber or to serve as a plumbing
14 inspector, and to promptly certify the result thereof to said State
15 Board of Plumbing Examiners. The Board by rule may require
16 plumbers' apprentices to register with the Board.

17 (d) The Board shall [~~may~~] recognize, prepare, or implement
18 continuing education programs for licensees and endorsees.
19 [~~Participation-in-the-programs-is-voluntary.~~]

20 SECTION 6. Section 8, The Plumbing License Law (Article
21 6243-101, Vernon's Texas Civil Statutes), is amended by adding
22 Subsection (e) to read as follows:

23 (e) A license holder whose license was eligible for renewal
24 when the license holder retired and who is not actively engaged in
25 the business of plumbing may apply for retired status. The Board

1 by rule shall adopt procedures and requirements for placing a
2 license on retired status. A license holder on retired status is
3 not required to complete continuing education while the person is
4 on retired status.

5 SECTION 7. Subsection (e), Section 8A, The Plumbing License
6 Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended
7 to read as follows:

8 (e) Each written contract for plumbing services in this
9 state [~~of--a--licensed--plumber~~] shall contain the name, mailing
10 address, and telephone number of the Board.

11 SECTION 8. Section 8B, The Plumbing License Law (Article
12 6243-101, Vernon's Texas Civil Statutes), as added by Chapter 857,
13 Acts of the 70th Legislature, Regular Session, 1987, is
14 redesignated as Section 8D and amended to read as follows:

15 Sec. 8D [8B]. ENFORCEMENT BY INSPECTOR. In addition to
16 enforcement by the Board, each plumbing inspector shall [may]
17 enforce this Act. This section does not require a municipality to
18 deploy inspectors to enforce this Act other than to require a
19 municipality to issue permits only to master plumbers.

20 SECTION 9. Subsections (a) and (c), Section 8C, The Plumbing
21 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
22 amended to read as follows:

23 (a) A medical gas piping installation endorsement entitles a
24 holder of a master plumber license or journeyman plumber license to
25 install pipe used solely to transport gases used for medical

1 purposes. A person who holds a medical gas endorsement may inspect
 2 medical gas piping installations.

3 (c) An endorsement under this section is valid for three
 4 years and may be renewed as provided by Board rule [~~on--or--before~~
 5 ~~February 1,--or-as-provided-by-Section 12A-of-this-Act,--in-the-same~~
 6 ~~manner-as-a-license-renewal-under-Section 12-of-this-Act~~].

7 SECTION 10. Subsections (a), (c), (d), and (e), Section 9,
 8 The Plumbing License Law (Article 6243-101, Vernon's Texas Civil
 9 Statutes), are amended to read as follows:

10 (a) The Board shall revoke or suspend a license or
 11 endorsement, probate a license or endorsement suspension, or
 12 reprimand a licensee for any violations of this Act or rules of the
 13 Board. A violation of this Act shall include but not be limited
 14 to: obtaining a license or endorsement through error or fraud;
 15 having wilfully, negligently or arbitrarily violated municipal
 16 rules or ordinances regulating sanitation, drainage and plumbing;
 17 knowingly making a substantial misrepresentation of services to be
 18 provided or which have been provided; or making any false promise
 19 with intent to influence, persuade, or induce an individual to
 20 contract for services. Any person whose license or endorsement has
 21 been revoked may, after the expiration of one year from the date of
 22 such revocation, but not before, apply to the Board for a new
 23 license or endorsement.

24 (c) If the Board proposes to refuse a person's application
 25 for a license or endorsement [~~license~~] or to suspend or revoke a

person's license or endorsement, the person is entitled to a hearing before the Board. Grounds for suspension or revocation of a license or endorsement due to suspected incompetence or wilful violation by a licensee may be determined through retesting procedures.

(d) Proceedings for the refusal, suspension, or revocation of a license or endorsement are governed by the Administrative Procedure and Texas Register Act, as amended (Article 6252-13a, Vernon's Texas Civil Statutes).

(e) A person commits an offense if the person knowingly violates this Act or a rule adopted under this Act, engages in activities for which a license or endorsement is required without a license or endorsement issued under this Act, or employs an unlicensed or unendorsed person to engage in activities for which a license or endorsement is required by this Act. An offense under this subsection is a Class C misdemeanor.

SECTION 11. Section 12, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement [licenses] issued by the Board shall be valid throughout the state, but shall not be assignable or transferable. A license [The--Board shall--forward--to--the--local-Board-of-Health7-if-there-be-one7-of each-town7--or--to--the--other--authority--having--control--of--the enforcement--of--regulations-relative-to-plumbing-in-each-town7-the

1 ~~names-and-addresses-of-all--persons--in--such--town--to--whom--such~~
2 ~~licenses-have-been-granted;--Licenses]~~ shall be issued for one year
3 and may be renewed annually [~~on--or--before-February-1st-or-as~~
4 ~~provided-by-Section-12A-of-this-Act-upon-payment--of--the--required~~
5 ~~fee]~~. The Board may adopt rules under which licenses and
6 endorsements expire on various dates throughout the year.

7 (b) A person who has complied with the continuing education
8 requirement of Section 12B of this Act may renew an unexpired
9 license or endorsement by paying the required renewal fee to the
10 Board before the expiration date of the license or endorsement.

11 (c) A person who has complied with the continuing education
12 requirement of Section 12B of this Act and whose license or
13 endorsement has been expired for 90 days or less may renew the
14 license or endorsement by paying to the Board the required renewal
15 fee and a fee that is one-half of the examination fee for the
16 license or endorsement.

17 (d) A person who has complied with the continuing education
18 requirement of Section 12B of this Act and whose license or
19 endorsement has been expired for longer than 90 days but less than
20 two years may renew the license or endorsement by paying to the
21 Board all unpaid renewal fees and a fee that is equal to the
22 examination fee for a [the] license.

23 (e) If a person's license or endorsement has been expired
24 for two years or longer, the person may not renew the license or
25 endorsement. The person may obtain a new license or endorsement by

submitting to reexamination and complying with the requirements and procedures for obtaining an original license or endorsement.

(f) At least 30 days before the expiration of a person's license or endorsement, the Board shall send written notice of the impending license or endorsement expiration to the person at the licensee's last known address according to the records of the Board. The licensee shall notify the Board of any change of the person's name or address not later than the 30th day after the date of the change.

SECTION 12. Subsections (a) and (d), Section 12B, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) A person holding a license or endorsement under this Act must complete at least six hours of continuing professional education each license year. Three of the six hours required must be in the subjects of health protection, energy conservation, and water conservation.

(d) A person holding a license or endorsement under this Act ~~[who--lives--in-a-county-having-no-city-with-a-population-in-excess of-100,000]~~ may fulfill the continuing professional education requirement of this section through a correspondence course as provided by Board rule.

SECTION 13. Subsection (a), Section 14, The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), is amended to read as follows:

1 (a) No person, whether as a master plumber, journeyman
2 plumber, or otherwise, shall engage in, work at, or conduct the
3 business of plumbing in this state or serve as a plumbing inspector
4 as herein defined, except as herein specifically exempted from the
5 provisions of this Act, unless such person is the holder of a valid
6 license or endorsement as provided for by this Act. It shall be
7 unlawful for any person, firm, or corporation to engage in or work
8 at the business of installing plumbing and doing plumbing work
9 except as specifically herein provided unless such installation of
10 plumbing or plumbing work be under the active supervision and
11 control of a plumber licensed under this Act. A license holder may
12 not act as a water supply protection specialist unless the license
13 holder has the appropriate license endorsement under Section 11A or
14 11B of this Act.

15 SECTION 14. Section 15, The Plumbing License Law (Article
16 6243-101, Vernon's Texas Civil Statutes), is amended by adding
17 Subsections (d), (e), and (f) to read as follows:

18 (d) A person holding a master plumber's license may not act
19 as a master plumber unless the master plumber has submitted to the
20 Board a certificate of insurance that meets the requirements of
21 Subsection (c) of this section.

22 (e) A municipal utility district having boundaries that
23 overlap the boundaries of a municipality is the controlling
24 jurisdiction and is the only entity that may perform required
25 plumbing inspections in an area located in both the municipal

1 utility district and the municipality. A municipality may perform
 2 its own inspection under this subsection if the inspection
 3 performed by the municipal utility district responsible for
 4 conducting the inspection is not performed by a state-licensed
 5 plumbing inspector or if the municipality has inspection standards
 6 that are stricter than the municipal utility district's standards.

7 (f) A municipal utility district or municipality performing
 8 a plumbing inspection in an area in which the boundaries of those
 9 entities overlap may only collect an inspection permit fee if the
 10 entity is entitled to perform the inspection under Subsection (e)
 11 of this section.

12 SECTION 15. Section 12A, The Plumbing License Law (Article
 13 6243-101, Vernon's Texas Civil Statutes), is repealed.

14 SECTION 16. (a) Except as otherwise provided by this
 15 section, this Act takes effect September 1, 1997.

16 (b) The Texas State Board of Plumbing Examiners shall adopt
 17 rules under Subsection (d), Section 5, The Plumbing License Law
 18 (Article 6243-101, Vernon's Texas Civil Statutes), as amended by
 19 this Act, and rules that implement the continuing education
 20 programs required by Section 12B, The Plumbing License Law (Article
 21 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,
 22 not later than February 1, 1998.

23 (c) A person performing plumbing services who must obtain a
 24 license because of the changes made by this Act to Section 3, The
 25 Plumbing License Law (Article 6243-101, Vernon's Texas Civil

1 Statutes), is not required to obtain a master or journeyman plumber
2 license to perform those functions until February 1, 1998.

3 (d) A master plumber who holds a license on the effective
4 date of this Act is not required to obtain a certificate of
5 insurance under Subsection (d), Section 15, The Plumbing License
6 Law (Article 6243-101, Vernon's Texas Civil Statutes), as added by
7 this Act, until February 1, 1998.

8 SECTION 17. The importance of this legislation and the
9 crowded condition of the calendars in both houses create an
10 emergency and an imperative public necessity that the
11 constitutional rule requiring bills to be read on three several
12 days in each house be suspended, and this rule is hereby suspended.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 28, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805,
Committee Report 1st House,
Substituted
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-Committee Report 1st House, Substituted
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of

persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	-\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

The provisions of this bill may create some fiscal impact to municipalities and municipal utility districts (MUDs). Section 14(e) of the bill allows a MUD with boundaries that overlap those of a municipality to be the controlling jurisdiction over plumbing inspections if the MUD has stricter plumbing standards than the municipality and the inspection is performed by a state-licensed plumber. Accordingly, some MUDs may experience an increase in plumbing inspections and related revenues from inspection permit fees. Conversely, some municipalities may experience a decrease in plumbing inspections and fee revenue. However, municipalities with stricter plumbing standards than MUDs may experience an increase in the number of plumbing inspections performed. It is assumed that any increase in costs would be offset by an increase in inspection permit fees as allowed under Section 14(f) of the bill.

Source: Agencies:

LBB Staff: JK, JD, BK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 24, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (Relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-As Introduced
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	- Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	-\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Agencies:

LBB Staff: JK, JD, BK

HOUSE COMMITTEE REPORT

1st Printing

By Brown
(Lewis of Orange)
Substitute the following for S.B. No. 805:

S.B. No. 805

By Yarbrough

C.S.S.B. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of plumbing; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 2(1), (2), and (5), The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended to read as follows:

(1) "Plumbing" means:

(A) All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, medical gases and vacuum, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, medical gases and vacuum, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; or

(B) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances

1 in and about buildings where a person or persons live, work or
2 assemble, for a supply of gas, medical gases and vacuum, water,
3 liquids, or any combination thereof, or disposal of waste water or
4 sewage.

5 (2) "Master Plumber" means a person who is skilled in
6 the planning, superintending, and the practical installation,
7 repair, and service of plumbing, who secures permits for plumbing
8 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,
9 ordinances, or rules and regulations governing those matters, who
10 alone, or through a person or persons under his supervision,
11 performs plumbing work, and who has successfully fulfilled the
12 examinations and requirements of the Board.

13 (5) "Plumbing Inspector" means any person who is
14 employed by a political subdivision for the purpose of inspecting
15 plumbing work and installations in connection with health and
16 safety laws, [and] ordinances, and plumbing and gas codes, who has
17 no financial or advisory interests in any plumbing company, and who
18 has successfully fulfilled the examinations and requirements of the
19 Board.

20 SECTION 2. Section 3, The Plumbing License Law (Article
21 6243-101, Vernon's Texas Civil Statutes), is amended to read as
22 follows:

23 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
24 acts, work and conduct shall be expressly permitted without
25 license:

26 (a) Plumbing work done by a property owner in a
27 building owned or occupied by him as his homestead;

1 (b) Plumbing work done on a single family residential
2 property not connected to a public water system and located outside
3 the municipal limits of any organized city, town or village in this
4 state~~[7--or-within-any-such-city, town-or-village-of-less-than-five~~
5 ~~thousand-(5,000)-inhabitants, unless required by ordinance in--such~~
6 ~~city,---town---or---village--of--less--than--five--thousand--(5,000)~~
7 ~~inhabitants];~~

8 (c) Plumbing work done by anyone who is regularly
9 employed as or acting as a maintenance man or maintenance engineer,
10 incidental to and in connection with the business in which he is
11 employed or engaged, and who does not engage in the occupation of a
12 plumber for the general public; construction, installation and
13 maintenance work done upon the premises or equipment of a railroad
14 by an employee thereof who does not engage in the occupation of a
15 plumber for the general public; and plumbing work done by persons
16 engaged by any public service company in the laying, maintenance
17 and operation of its service mains or lines to the point of
18 measurement and the installation, alteration, adjustment, repair,
19 removal and renovation of all types of appurtenances, equipment and
20 appliances, including doing all that is necessary to render the
21 appliances useable or serviceable; appliance installation and
22 service work done by anyone who is an appliance dealer or who is
23 employed by an appliance dealer, and acting as an appliance
24 installation man or appliance service man in connecting appliances
25 to existing openings with a code-approved appliance connector
26 ~~[piping--installations];~~ and water treatment installations,
27 exchanges, services, or repairs. Provided, however, that all work

1 and service herein named or referred to shall be subject to
2 inspection and approval in accordance with the terms of all state
3 laws and local valid city or municipal ordinances;

4 (d) Plumbing work done by a licensed irrigator or
5 licensed installer when working and licensed under Chapter 197,
6 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
7 Vernon's Texas Civil Statutes). A person holding a valid license
8 from the Texas State Board of Plumbing Examiners shall not be
9 required to be licensed by any other board or agency when
10 installing or working on a lawn irrigation system;

11 (e) LPG system [Plumbing] work done by an LP Gas
12 installer when working and licensed under Chapter 113, Natural
13 Resources Code, as amended;

14 (f) Water well drilling work done by a well driller
15 who is licensed under Chapter 32, Water Code.

16 SECTION 3. Section 3A(a), The Plumbing License Law (Article
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as
18 follows:

19 (a) The Commissioner of Health or his designee shall certify
20 persons as being qualified for the installation, exchange,
21 servicing, and repair of residential water treatment facilities [~~as~~
22 ~~defined-by-Subsection-(g)-of-Section-2-of--this--Act~~]. The Texas
23 Board of Health shall set standards for certification to ensure the
24 public health and to protect the public from unqualified persons
25 engaging in activities relating to water treatment. Nothing in
26 this section shall be construed to require that persons licensed
27 pursuant to this Act are subject to certification under this

1 section.

2 SECTION 4. Section 4(a), The Plumbing License Law (Article
3 6243-101, Vernon's Texas Civil Statutes), is amended to read as
4 follows:

5 (a) The Texas State Board of Plumbing Examiners shall
6 consist of nine members, each of whom shall be a citizen of the
7 United States and a resident of this state. Members of the Board
8 and their successors shall be appointed by the Governor and
9 confirmed by the Senate, and shall hold office for terms of six
10 years, or until their successors are appointed and have qualified.
11 Appointments to the Board shall be made without regard to the race,
12 creed, sex, religion, or national origin of the appointees. One
13 member of the Board shall have had at least ten years practical
14 experience as a master plumber, one member shall have had at least
15 five years practical experience as a journeyman plumber, one member
16 shall be a plumbing contractor with five years experience, one
17 member shall be a licensed professional [sanitary] engineer
18 knowledgeable in the practice of plumbing engineering and design,
19 two members shall be building contractors with five years
20 contracting experience (one of whom shall be principally engaged in
21 home building and one of whom shall be principally engaged in
22 commercial building), and one member shall have had at least five
23 years practical experience as a plumbing inspector. Two members
24 must be representatives of the general public. A person is not
25 eligible for appointment as a public member if the person or the
26 person's spouse:

27 (1) is licensed by an occupational regulatory agency

1 in the building construction industry;

2 (2) is employed by or participates in the management
3 of an agency or business entity related to the building
4 construction industry; or

5 (3) has, other than as a consumer, a financial
6 interest in a business entity related to the building construction
7 industry.

8 SECTION 5. Sections 5(a) and (d), The Plumbing License Law
9 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to
10 read as follows:

11 (a) The Board shall administer the provisions of this Act.
12 The Board shall formally elect a chairman and a secretary from its
13 members and may adopt such rules as it deems necessary for the
14 orderly conduct and enforcement of its affairs. The Board is
15 hereby authorized and empowered to employ, promote and discharge
16 such assistants and employees as it may deem necessary to properly
17 carry out the intent and purpose of this Act, and to fix and pay
18 their compensation and salaries and to provide for their duties and
19 the terms of their employment. A majority of the Board shall
20 constitute a quorum for the transaction of business. The Board
21 shall have a seal which shall be judicially noticed. The Board
22 shall keep records of all proceedings and actions by and before the
23 Board. The Board is hereby authorized, empowered and directed to
24 prescribe, amend and enforce all rules and regulations necessary to
25 carry out this Act. The Board shall appoint an employee or
26 employees thereof, with the power of removal, as a plumbing
27 examiner or examiners, whose duties shall be to examine, as to

1 their fitness and qualifications, all persons applying to the Board
2 for licenses to engage in the business, trade or calling of a
3 master plumber or a journeyman plumber or to serve as a plumbing
4 inspector, and to promptly certify the result thereof to said State
5 Board of Plumbing Examiners. The Board by rule may require
6 plumbers' apprentices to register with the Board.

7 (d) The Board shall ~~[may]~~ recognize, prepare, or implement
8 continuing education programs for licensees and endorseees.
9 ~~[Participation-in-the-programs-is-voluntary.]~~

10 SECTION 6. Section 8, The Plumbing License Law (Article
11 6243-101, Vernon's Texas Civil Statutes), is amended by adding
12 Subsection (e) to read as follows:

13 (e) A license holder whose license was eligible for renewal
14 when the license holder retired and who is not actively engaged in
15 the business of plumbing may apply for retired status. The Board
16 by rule shall adopt procedures and requirements for placing a
17 license on retired status. A license holder on retired status is
18 not required to complete continuing education while the person is
19 on retired status.

20 SECTION 7. Section 8A(e), The Plumbing License Law (Article
21 6243-101, Vernon's Texas Civil Statutes), is amended to read as
22 follows:

23 (e) Each written contract for plumbing services in this
24 state ~~[of-a-licensed--plumber]~~ shall contain the name, mailing
25 address, and telephone number of the Board.

26 SECTION 8. Sections 8C(a) and (c), The Plumbing License Law
27 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to

1 read as follows:

2 (a) A medical gas piping installation endorsement entitles a
3 holder of a master plumber license or journeyman plumber license to
4 install pipe used solely to transport gases used for medical
5 purposes. A plumbing inspector who holds a medical gas endorsement
6 may inspect medical gas piping installations.

7 (c) An endorsement under this section is valid for three
8 years and may be renewed as provided by Board rule [~~on--or--before~~
9 ~~February-17--or-as-provided-by-Section-12A-of-this-Act,--in-the-same~~
10 ~~manner-as-a-license-renewal-under-Section-12-of-this-Act~~].

11 SECTION 9. Sections 9(a), (c), (d), and (e), The Plumbing
12 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
13 amended to read as follows:

14 (a) The Board shall revoke or suspend a license or
15 endorsement, probate a license or endorsement suspension, or
16 reprimand a licensee for any violations of this Act or rules of the
17 Board. A violation of this Act shall include but not be limited
18 to: obtaining a license or endorsement through error or fraud;
19 having wilfully, negligently or arbitrarily violated municipal
20 rules or ordinances regulating sanitation, drainage and plumbing;
21 knowingly making a substantial misrepresentation of services to be
22 provided or which have been provided; or making any false promise
23 with intent to influence, persuade, or induce an individual to
24 contract for services. Any person whose license or endorsement has
25 been revoked may, after the expiration of one year from the date of
26 such revocation, but not before, apply to the Board for a new
27 license or endorsement.

1 (c) If the Board proposes to refuse a person's application
2 for a license or endorsement [~~licensure~~] or to suspend or revoke a
3 person's license or endorsement, the person is entitled to a
4 hearing before the Board. Grounds for suspension or revocation of
5 a license or endorsement due to suspected incompetence or wilful
6 violation by a licensee may be determined through retesting
7 procedures.

8 (d) Proceedings for the refusal, suspension, or revocation
9 of a license or endorsement are governed by the Administrative
10 Procedure and Texas Register Act, as amended (Article 6252-13a,
11 Vernon's Texas Civil Statutes).

12 (e) A person commits an offense if the person knowingly
13 violates this Act or a rule adopted under this Act, engages in
14 activities for which a license or endorsement is required without a
15 license or endorsement issued under this Act, or employs an
16 unlicensed or unendorsed person to engage in activities for which a
17 license or endorsement is required by this Act. An offense under
18 this subsection is a Class C misdemeanor.

19 SECTION 10. Section 12, The Plumbing License Law (Article
20 6243-101, Vernon's Texas Civil Statutes), is amended to read as
21 follows:

22 Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement
23 [~~Licenses~~] issued by the Board shall be valid throughout the state,
24 but shall not be assignable or transferable. A license [~~The--Board~~
25 ~~shall--forward--to--the--local-Board-of-Health,--if--there--be--one,--of~~
26 ~~each-town,--or--to--the--other--authority--having--control--of--the~~
27 ~~enforcement--of--regulations--relative--to--plumbing--in--each-town,--the~~

1 ~~names-and-addresses-of-all--persons--in--such--town--to--whom--such~~
 2 ~~licenses-have-been-granted;--Licenses]~~ shall be issued for one year
 3 and may be renewed annually [~~on--or--before-February-1st-or-as~~
 4 ~~provided-by-Section-12A-of-this-Act-upon-payment--of--the--required~~
 5 ~~fee]~~. The Board may adopt rules under which licenses and
 6 endorsements expire on various dates throughout the year.

7 (b) A person who has complied with the continuing education
 8 requirement of Section 12B of this Act may renew an unexpired
 9 license or endorsement by paying the required renewal fee to the
 10 Board before the expiration date of the license or endorsement.

11 (c) A person who has complied with the continuing education
 12 requirement of Section 12B of this Act and whose license or
 13 endorsement has been expired for 90 days or less may renew the
 14 license or endorsement by paying to the Board the required renewal
 15 fee and a fee that is one-half of the examination fee for the
 16 license or endorsement.

17 (d) A person who has complied with the continuing education
 18 requirement of Section 12B of this Act and whose license or
 19 endorsement has been expired for longer than 90 days but less than
 20 two years may renew the license or endorsement by paying to the
 21 Board all unpaid renewal fees and a fee that is equal to the
 22 examination fee for a [the] license.

23 (e) If a person's license or endorsement has been expired
 24 for two years or longer, the person may not renew the license or
 25 endorsement. The person may obtain a new license or endorsement by
 26 submitting to reexamination and complying with the requirements and
 27 procedures for obtaining an original license or endorsement.

1 (f) At least 30 days before the expiration of a person's
2 license or endorsement, the Board shall send written notice of the
3 impending license or endorsement expiration to the person at the
4 licensee's last known address according to the records of the
5 Board. The licensee shall notify the Board of any change of the
6 person's name or address not later than the 30th day after the date
7 of the change.

8 SECTION 11. Sections 12B(a) and (d), The Plumbing License
9 Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended
10 to read as follows:

11 (a) A person holding a license or endorsement under this Act
12 must complete at least six hours of continuing professional
13 education each license year. Three of the six hours required must
14 be in the subjects of health protection, energy conservation, and
15 water conservation.

16 (d) A person holding a license or endorsement under this Act
17 [~~who lives in a county having no city with a population in excess~~
18 ~~of 100,000~~] may fulfill the continuing professional education
19 requirement of this section through a correspondence course as
20 provided by Board rule.

21 SECTION 12. Section 14(a), The Plumbing License Law
22 (Article 6243-101, Vernon's Texas Civil Statutes), is amended to
23 read as follows:

24 (a) No person, whether as a master plumber, journeyman
25 plumber, or otherwise, shall engage in, work at, or conduct the
26 business of plumbing in this state or serve as a plumbing inspector
27 as herein defined, except as herein specifically exempted from the

1 provisions of this Act, unless such person is the holder of a valid
2 license or endorsement as provided for by this Act. It shall be
3 unlawful for any person, firm, or corporation to engage in or work
4 at the business of installing plumbing and doing plumbing work
5 except as specifically herein provided unless such installation of
6 plumbing or plumbing work be under the active supervision and
7 control of a plumber licensed under this Act. A license holder may
8 not act as a water supply protection specialist unless the license
9 holder has the appropriate license endorsement under Section 11A or
10 11B of this Act.

11 SECTION 13. Section 15, The Plumbing License Law (Article
12 6243-101, Vernon's Texas Civil Statutes), is amended by adding
13 Subsections (d), (e), and (f) to read as follows:

14 (d) A person holding a master plumber's license may not act
15 as a master plumber unless the master plumber has submitted to the
16 Board a certificate of insurance that meets the requirements of
17 Subsection (c) of this section.

18 (e) A municipal utility district having boundaries that
19 overlap the boundaries of a municipality is the controlling
20 jurisdiction and is the only entity that may perform required
21 plumbing inspections in an area located in both the municipal
22 utility district and the municipality. A municipality may perform
23 its own inspection under this subsection if the inspection
24 performed by the municipal utility district responsible for
25 conducting the inspection is not performed by a state-licensed
26 plumbing inspector or if the municipality has inspection standards
27 that are stricter than the municipal utility district's standards.

1 (f) A municipal utility district or municipality performing
2 a plumbing inspection in an area in which the boundaries of those
3 entities overlap may only collect an inspection permit fee if the
4 entity is entitled to perform the inspection under Subsection (e)
5 of this section.

6 SECTION 14. Section 12A, The Plumbing License Law (Article
7 6243-101, Vernon's Texas Civil Statutes), is repealed.

8 SECTION 15. (a) Except as otherwise provided by this
9 section, this Act takes effect September 1, 1997.

10 (b) The Texas State Board of Plumbing Examiners shall adopt
11 rules under Section 5(d), The Plumbing License Law (Article
12 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,
13 and rules that implement the continuing education programs required
14 by Section 12B, The Plumbing License Law (Article 6243-101,
15 Vernon's Texas Civil Statutes), as amended by this Act, not later
16 than February 1, 1998.

17 (c) A person performing plumbing services who must obtain a
18 license because of the changes made by this Act to Section 3, The
19 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
20 Statutes), is not required to obtain a master or journeyman plumber
21 license to perform those functions until February 1, 1998.

22 (d) A master plumber who holds a license on the effective
23 date of this Act is not required to obtain a certificate of
24 insurance under Section 15(d), The Plumbing License Law (Article
25 6243-101, Vernon's Texas Civil Statutes), as added by this Act,
26 until February 1, 1998.

27 SECTION 16. The importance of this legislation and the

C.S.S.B. No. 805

1 crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney
Speaker of the House of Representatives

4/28/97
(date)

Sir:

We, your COMMITTEE ON LICENSING AND ADMINISTRATIVE PROCEDURES
to whom was referred SB 805 have had the same under consideration and beg to report
back with the recommendation that it

() do pass, without amendment.
() do pass, with amendment(s).
(X) do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.
(X) yes () no A fiscal note was requested.
() yes (X) no A criminal justice policy impact statement was requested.
() yes (X) no An equalized educational funding impact statement was requested.
() yes (X) no An actuarial analysis was requested.
() yes (X) no A water development policy impact statement was requested.
() yes (X) no A tax equity note was requested.
() The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars.

For Senate Measures: House Sponsor LEWIS, RON

Joint Sponsors: / / /

Co-Sponsors:

The measure was reported from Committee by the following vote:

	AYE	NAY	PNV	ABSENT
Wilson, Chair	X			
Kubiak, Vice-chair	X			
Goolsby	X			
Haggerty	X			
Hamric	X			
Jones, D.	X			
Pickett	X			
Torres	X			
Yarbrough	X			

Total

9 aye
0 nay
0 present, not voting
0 absent

Ron Wilson
CHAIR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

May 6, 1997

To: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House
Austin, Texas

IN RE: Senate Bill No. 805,
As Engrossed
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (relating to the regulation of plumbing; providing penalties) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-As Engrossed

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law to require the Board of Plumbing Examiners to license plumbers who perform work in certain unincorporated areas of the state and in incorporated areas with populations of more than 1,000 persons. This would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998,

\$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Implementing the provisions of the bill would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

1
0

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

The provisions of this bill may create some fiscal impact to municipalities and municipal utility districts (MUDs). Section 14(e) of the bill allows a MUD with boundaries that overlap those of a municipality to be the controlling jurisdiction over plumbing inspections if the MUD has stricter plumbing standards than the municipality and the inspection is performed by a state-licensed plumber. Accordingly, some MUDs may experience an increase in plumbing inspections and related revenues from inspection permit fees. Conversely, some municipalities may experiences a decrease in plumbing inspections and fee revenue. However, municipalities with stricter plumbing standards than MUDs may experience an increase in the number of plumbing inspections performed. It is assumed that any increase in costs would be offset by an increase in inspection permit fees as allowed under Section 14(f) of the bill.

Source: Agencies:

LBB Staff: JK, TH, BK

6A

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

April 30, 1997

To: Honorable Ron Wilson, Chair
Committee on Licensing & Administrative
Procedures
House
Austin, Texas

IN RE: Senate Bill No. 805,
Committee Report 2nd House,
Substituted
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (relating to the regulation of the practice of plumbing; providing penalties.) this office has determined the following:

**Biennial Net Impact to General Revenue Funds by SB805-Committee Report 2nd House,
Substituted**

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting the portion of Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this portion of the section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

7

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Implementing the provisions of the bill would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
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1998	\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

The provisions of this bill may create some fiscal impact to municipalities and municipal utility districts (MUDs). Section 13(e) of the bill allows a MUD with boundaries that overlap those of a municipality to be the controlling jurisdiction over plumbing inspections if the MUD has stricter plumbing standards than the municipality and the inspection is performed by a state-licensed plumber. Accordingly, some MUDs may experience an increase in plumbing inspections and related revenues from inspection permit fees. Conversely, some municipalities may experiences a decrease in plumbing inspections and fee revenue. However, municipalities with stricter plumbing standards than MUDs may experience an increase in the number of plumbing inspections performed. It is assumed that any increase in costs would be offset by an increase in inspection permit fees as allowed under Section 13(f) of the bill.

Source: Agencies:

LBB Staff: JK, TH, JD, BK

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE
75th Regular Session

March 28, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805,
Committee Report 1st House,
Substituted
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-Committee Report 1st House, Substituted
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of

10

persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	-\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

The provisions of this bill may create some fiscal impact to municipalities and municipal utility districts (MUDs). Section 14(e) of the bill allows a MUD with boundaries that overlap those of a municipality to be the controlling jurisdiction over plumbing inspections if the MUD has stricter plumbing standards than the municipality and the inspection is performed by a state-licensed plumber. Accordingly, some MUDs may experience an increase in plumbing inspections and related revenues from inspection permit fees. Conversely, some municipalities may experience a decrease in plumbing inspections and fee revenue. However, municipalities with stricter plumbing standards than MUDs may experience an increase in the number of plumbing inspections performed. It is assumed that any increase in costs would be offset by an increase in inspection permit fees as allowed under Section 14(f) of the bill.

Source: Agencies:

LBB Staff: JK, JD, BK

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

75th Regular Session

March 24, 1997

To: Honorable Kenneth Armbrister, Chair
Committee on State Affairs
Senate
Austin, Texas

IN RE: Senate Bill No. 805
By: Brown

From: John Keel, Director

In response to your request for a Fiscal Note on SB805 (Relating to the regulation of the practice of plumbing.) this office has determined the following:

Biennial Net Impact to General Revenue Funds by SB805-As Introduced
--

Implementing the provisions of the bill would result in a net impact of \$0 to General Revenue Related Funds through the biennium ending August 31, 1999.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

Fiscal Analysis

This bill would amend the Plumbing License Law by deleting Section 3(b) which allows unlicensed plumbers to perform work in incorporated areas and unincorporated areas of the state with populations of less than 5,000 persons. Deleting this section would expand the Board of Plumbing Examiners' jurisdiction and increase the agency's licensing and enforcement workloads. Six new FTEs (one Attorney, one Examination Employee, three Field Representatives, and one Administrative Technician) would be needed, along with associated overhead, training, and computer costs. Also, the Attorney and Field Representatives would require extensive travel (the Attorney to county courts and the Field Representatives to construction sites) so costs for cars, travel and telephones are included.

New costs to implement the provisions of this bill would be \$439,291 in FY 1998, \$367,291 in FY 1999 and \$336,291 in FYs 2000, 2001, and 2002. FY 1999 costs are slightly higher than later years due to the phasing in of computer purchases over a two year (FY 1998 and 1999) period. However, all of these costs would be covered by revenue gained from an increased number of licenses issued, an increase in administrative penalties from enhanced enforcement efforts, and, if needed, an overall increase in the agency's license and examination fees.

This bill would amend other sections of the Plumbing License Law, but would cause no additional fiscal impact to the State.

Methodology

Deletion of Section 3(b) of the Plumbing License Law would increase the number of persons served by the law by approximately 50%. Licensing and enforcement workload increases to implement the provisions of the bill were calculated accordingly. It is assumed that all new costs would be covered by the following:

12

- (1) An increase in revenue from license fees, due to an increase in the number of plumbers required to be licensed;
- (2) An increase in administrative penalties from enhanced enforcement efforts; and,
- (3) An overall increase in license and examination fees, if necessary.

The probable fiscal implications of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

Five Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 0001	Probable Revenue Gain/(Loss) from General Revenue Fund 0001	- Change in Number of State Employees from FY 1997
1998	(\$439,291)	\$439,291	6.0
1999	(367,291)	367,291	6.0
2000	(336,291)	336,291	6.0
2001	(336,291)	336,291	6.0
2002	(336,291)	336,291	6.0

Net Impact on General Revenue Related Funds:

The probable fiscal implication to General Revenue related funds during each of the first five years is estimated as follows:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
1998	-\$0
1999	0
2000	0
2001	0
2002	0

Similar annual fiscal implications would continue as long as the provisions of the bill are in effect.

No fiscal implication to units of local government is anticipated.

Source: Agencies:

LBB Staff: JK, JD, BK

SUMMARY OF COMMITTEE ACTION

SB 805

April 28, 1997 10:30AM

Considered in public hearing

Committee substitute considered in committee

Reported favorably as substituted

61

By Brown

SB. No. 805

Substitute the following for SB. No. 805 :

By YARBROUGH

C.S.SB. No. 805

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of the practice of plumbing; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 2(1), (2), and (5), The Plumbing License Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended to read as follows:

(1) "Plumbing" means:

(A) All piping, fixtures, appurtenances and appliances for supply or recirculation of water, gas, medical gases and vacuum, liquids, and drainage or elimination of sewage, including disposal systems or any combination thereof, for all personal or domestic purposes in and about buildings where a person or persons live, work or assemble; all piping, fixtures, appurtenances and appliances outside a building connecting the building with the source of water, gas, medical gases and vacuum, or other liquid supply, or combinations thereof, on the premises, or the main in the street, alley or at the curb; all piping, fixtures, appurtenances, appliances, drain or waste pipes carrying waste water or sewage from or within a building to the sewer service lateral at the curb or in the street or alley or other disposal or septic terminal holding private or domestic sewage; or

(B) the installation, repair, service, and maintenance of all piping, fixtures, appurtenances and appliances

1 in and about buildings where a person or persons live, work or
2 assemble, for a supply of gas, medical gases and vacuum, water,
3 liquids, or any combination thereof, or disposal of waste water or
4 sewage.

5 (2) "Master Plumber" means a person who is skilled in
6 the planning, superintending, and the practical installation,
7 repair, and service of plumbing, who secures permits for plumbing
8 work, who [and] is knowledgeable of [~~familiar-with~~] the codes,
9 ordinances, or rules and regulations governing those matters, who
10 alone, or through a person or persons under his supervision,
11 performs plumbing work, and who has successfully fulfilled the
12 examinations and requirements of the Board.

13 (5) "Plumbing Inspector" means any person who is
14 employed by a political subdivision for the purpose of inspecting
15 plumbing work and installations in connection with health and
16 safety laws, [and] ordinances, and plumbing and gas codes, who has
17 no financial or advisory interests in any plumbing company, and who
18 has successfully fulfilled the examinations and requirements of the
19 Board.

20 SECTION 2. Section 3, The Plumbing License Law (Article
21 6243-101, Vernon's Texas Civil Statutes), is amended to read as
22 follows:

23 Sec. 3. ACTS PERMITTED WITHOUT A LICENSE. The following
24 acts, work and conduct shall be expressly permitted without
25 license:

26 (a) Plumbing work done by a property owner in a
27 building owned or occupied by him as his homestead;

1 (b) Plumbing work done on a single family residential
2 property not connected to a public water system and located outside
3 the municipal limits of any organized city, town or village in this
4 state~~[7--or-within-any-such-city, town-or-village-of-less-than-five~~
5 ~~thousand-(5,000)-inhabitants, unless required by ordinance in--such~~
6 ~~city,---town---or---village--of--less--than--five--thousand--(5,000)~~
7 ~~inhabitants]~~;

8 (c) Plumbing work done by anyone who is regularly
9 employed as or acting as a maintenance man or maintenance engineer,
10 incidental to and in connection with the business in which he is
11 employed or engaged, and who does not engage in the occupation of a
12 plumber for the general public; construction, installation and
13 maintenance work done upon the premises or equipment of a railroad
14 by an employee thereof who does not engage in the occupation of a
15 plumber for the general public; and plumbing work done by persons
16 engaged by any public service company in the laying, maintenance
17 and operation of its service mains or lines to the point of
18 measurement and the installation, alteration, adjustment, repair,
19 removal and renovation of all types of appurtenances, equipment and
20 appliances, including doing all that is necessary to render the
21 appliances useable or serviceable; appliance installation and
22 service work done by anyone who is an appliance dealer or who is
23 employed by an appliance dealer, and acting as an appliance
24 installation man or appliance service man in connecting appliances
25 to existing openings with a code-approved appliance connector
26 ~~[piping--installations]~~; and water treatment installations,
27 exchanges, services, or repairs. Provided, however, that all work

1 and service herein named or referred to shall be subject to
2 inspection and approval in accordance with the terms of all state
3 laws and local valid city or municipal ordinances;

4 (d) Plumbing work done by a licensed irrigator or
5 licensed installer when working and licensed under Chapter 197,
6 Acts of the 66th Legislature, Regular Session, 1979 (Article 8751,
7 Vernon's Texas Civil Statutes). A person holding a valid license
8 from the Texas State Board of Plumbing Examiners shall not be
9 required to be licensed by any other board or agency when
10 installing or working on a lawn irrigation system;

11 (e) LPG system [~~Plumbing~~] work done by an LP Gas
12 installer when working and licensed under Chapter 113, Natural
13 Resources Code, as amended;

14 (f) Water well drilling work done by a well driller
15 who is licensed under Chapter 32, Water Code.

16 SECTION 3. Section 3A(a), The Plumbing License Law (Article
17 6243-101, Vernon's Texas Civil Statutes), is amended to read as
18 follows:

19 (a) The Commissioner of Health or his designee shall certify
20 persons as being qualified for the installation, exchange,
21 servicing, and repair of residential water treatment facilities [~~as~~
22 ~~defined-by-Subsection-(g)-of-Section-2-of--this--Act~~]. The Texas
23 Board of Health shall set standards for certification to ensure the
24 public health and to protect the public from unqualified persons
25 engaging in activities relating to water treatment. Nothing in
26 this section shall be construed to require that persons licensed
27 pursuant to this Act are subject to certification under this

1 section.

2 SECTION 4. Section 4(a), The Plumbing License Law (Article
3 6243-101, Vernon's Texas Civil Statutes), is amended to read as
4 follows:

5 (a) The Texas State Board of Plumbing Examiners shall
6 consist of nine members, each of whom shall be a citizen of the
7 United States and a resident of this state. Members of the Board
8 and their successors shall be appointed by the Governor and
9 confirmed by the Senate, and shall hold office for terms of six
10 years, or until their successors are appointed and have qualified.
11 Appointments to the Board shall be made without regard to the race,
12 creed, sex, religion, or national origin of the appointees. One
13 member of the Board shall have had at least ten years practical
14 experience as a master plumber, one member shall have had at least
15 five years practical experience as a journeyman plumber, one member
16 shall be a plumbing contractor with five years experience, one
17 member shall be a licensed professional [sanitary] engineer
18 knowledgeable in the practice of plumbing engineering and design,
19 two members shall be building contractors with five years
20 contracting experience (one of whom shall be principally engaged in
21 home building and one of whom shall be principally engaged in
22 commercial building), and one member shall have had at least five
23 years practical experience as a plumbing inspector. Two members
24 must be representatives of the general public. A person is not
25 eligible for appointment as a public member if the person or the
26 person's spouse:

27 (1) is licensed by an occupational regulatory agency

1 in the building construction industry;

2 (2) is employed by or participates in the management
3 of an agency or business entity related to the building
4 construction industry; or

5 (3) has, other than as a consumer, a financial
6 interest in a business entity related to the building construction
7 industry.

8 SECTION 5. Sections 5(a) and (d), The Plumbing License Law
9 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to
10 read as follows:

11 (a) The Board shall administer the provisions of this Act.
12 The Board shall formally elect a chairman and a secretary from its
13 members and may adopt such rules as it deems necessary for the
14 orderly conduct and enforcement of its affairs. The Board is
15 hereby authorized and empowered to employ, promote and discharge
16 such assistants and employees as it may deem necessary to properly
17 carry out the intent and purpose of this Act, and to fix and pay
18 their compensation and salaries and to provide for their duties and
19 the terms of their employment. A majority of the Board shall
20 constitute a quorum for the transaction of business. The Board
21 shall have a seal which shall be judicially noticed. The Board
22 shall keep records of all proceedings and actions by and before the
23 Board. The Board is hereby authorized, empowered and directed to
24 prescribe, amend and enforce all rules and regulations necessary to
25 carry out this Act. The Board shall appoint an employee or
26 employees thereof, with the power of removal, as a plumbing
27 examiner or examiners, whose duties shall be to examine, as to

1 their fitness and qualifications, all persons applying to the Board
2 for licenses to engage in the business, trade or calling of a
3 master plumber or a journeyman plumber or to serve as a plumbing
4 inspector, and to promptly certify the result thereof to said State
5 Board of Plumbing Examiners. The Board by rule may require
6 plumbers' apprentices to register with the Board.

7 (d) The Board shall [~~may~~] recognize, prepare, or implement
8 continuing education programs for licensees and endorsees.
9 [~~Participation-in-the-programs-is-voluntary-~~]

10 SECTION 6. Section 8, The Plumbing License Law (Article
11 6243-101, Vernon's Texas Civil Statutes), is amended by adding
12 Subsection (e) to read as follows:

13 (e) A license holder whose license was eligible for renewal
14 when the license holder retired and who is not actively engaged in
15 the business of plumbing may apply for retired status. The Board
16 by rule shall adopt procedures and requirements for placing a
17 license on retired status. A license holder on retired status is
18 not required to complete continuing education while the person is
19 on retired status.

20 SECTION 7. Section 8A(e), The Plumbing License Law (Article
21 6243-101, Vernon's Texas Civil Statutes), is amended to read as
22 follows:

23 (e) Each written contract for plumbing services in this
24 state [~~of-a-licensed--plumber~~] shall contain the name, mailing
25 address, and telephone number of the Board.

26 SECTION 8. Sections 8C(a) and (c), The Plumbing License Law
27 (Article 6243-101, Vernon's Texas Civil Statutes), are amended to

1 read as follows:

2 (a) A medical gas piping installation endorsement entitles a
3 holder of a master plumber license or journeyman plumber license to
4 install pipe used solely to transport gases used for medical
5 purposes. A plumbing inspector who holds a medical gas endorsement
6 may inspect medical gas piping installations.

7 (c) An endorsement under this section is valid for three
8 years and may be renewed as provided by Board rule [~~on--or--before~~
9 ~~February-17--or-as-provided-by-Section-12A-of-this-Act,--in-the-same~~
10 ~~manner-as-a-license-renewal-under-Section-12-of-this-Act~~].

11 SECTION 9. Sections 9(a), (c), (d), and (e), The Plumbing
12 License Law (Article 6243-101, Vernon's Texas Civil Statutes), are
13 amended to read as follows:

14 (a) The Board shall revoke or suspend a license or
15 endorsement, probate a license or endorsement suspension, or
16 reprimand a licensee for any violations of this Act or rules of the
17 Board. A violation of this Act shall include but not be limited
18 to: obtaining a license or endorsement through error or fraud;
19 having wilfully, negligently or arbitrarily violated municipal
20 rules or ordinances regulating sanitation, drainage and plumbing;
21 knowingly making a substantial misrepresentation of services to be
22 provided or which have been provided; or making any false promise
23 with intent to influence, persuade, or induce an individual to
24 contract for services. Any person whose license or endorsement has
25 been revoked may, after the expiration of one year from the date of
26 such revocation, but not before, apply to the Board for a new
27 license or endorsement.

1 (c) If the Board proposes to refuse a person's application
2 for a license or endorsement [~~license~~] or to suspend or revoke a
3 person's license or endorsement, the person is entitled to a
4 hearing before the Board. Grounds for suspension or revocation of
5 a license or endorsement due to suspected incompetence or wilful
6 violation by a licensee may be determined through retesting
7 procedures.

8 (d) Proceedings for the refusal, suspension, or revocation
9 of a license or endorsement are governed by the Administrative
10 Procedure and Texas Register Act, as amended (Article 6252-13a,
11 Vernon's Texas Civil Statutes).

12 (e) A person commits an offense if the person knowingly
13 violates this Act or a rule adopted under this Act, engages in
14 activities for which a license or endorsement is required without a
15 license or endorsement issued under this Act, or employs an
16 unlicensed or unendorsed person to engage in activities for which a
17 license or endorsement is required by this Act. An offense under
18 this subsection is a Class C misdemeanor.

19 SECTION 10. Section 12, The Plumbing License Law (Article
20 6243-101, Vernon's Texas Civil Statutes), is amended to read as
21 follows:

22 Sec. 12. LICENSES; RENEWALS. (a) A license or endorsement
23 [~~licenses~~] issued by the Board shall be valid throughout the state,
24 but shall not be assignable or transferable. A license [~~The--Board~~
25 ~~shall--forward--to--the--local--Board-of-Health,--if--there--be--one,--of~~
26 ~~each-town,--or--to--the--other--authority--having--control--of--the~~
27 ~~enforcement--of--regulations--relative--to--plumbing--in--each-town,--the~~

1 ~~names-and-addresses-of-all--persons--in--such--town--to--whom--such~~
2 ~~licenses-have-been-granted---licenses]~~ shall be issued for one year
3 and may be renewed annually [~~on--or--before-February-1st-or-as~~
4 ~~provided-by-Section-12A-of-this-Act-upon-payment--of--the--required~~
5 ~~fee]~~. The Board may adopt rules under which licenses and
6 endorsements expire on various dates throughout the year.

7 (b) A person who has complied with the continuing education
8 requirement of Section 12B of this Act may renew an unexpired
9 license or endorsement by paying the required renewal fee to the
10 Board before the expiration date of the license or endorsement.

11 (c) A person who has complied with the continuing education
12 requirement of Section 12B of this Act and whose license or
13 endorsement has been expired for 90 days or less may renew the
14 license or endorsement by paying to the Board the required renewal
15 fee and a fee that is one-half of the examination fee for the
16 license or endorsement.

17 (d) A person who has complied with the continuing education
18 requirement of Section 12B of this Act and whose license or
19 endorsement has been expired for longer than 90 days but less than
20 two years may renew the license or endorsement by paying to the
21 Board all unpaid renewal fees and a fee that is equal to the
22 examination fee for a [the] license.

23 (e) If a person's license or endorsement has been expired
24 for two years or longer, the person may not renew the license or
25 endorsement. The person may obtain a new license or endorsement by
26 submitting to reexamination and complying with the requirements and
27 procedures for obtaining an original license or endorsement.

1 (f) At least 30 days before the expiration of a person's
2 license or endorsement, the Board shall send written notice of the
3 impending license or endorsement expiration to the person at the
4 licensee's last known address according to the records of the
5 Board. The licensee shall notify the Board of any change of the
6 person's name or address not later than the 30th day after the date
7 of the change.

8 SECTION 11. Sections 12B(a) and (d), The Plumbing License
9 Law (Article 6243-101, Vernon's Texas Civil Statutes), are amended
10 to read as follows:

11 (a) A person holding a license or endorsement under this Act
12 must complete at least six hours of continuing professional
13 education each license year. Three of the six hours required must
14 be in the subjects of health protection, energy conservation, and
15 water conservation.

16 (d) A person holding a license or endorsement under this Act
17 [~~who lives in a county having no city with a population in excess~~
18 ~~of 100,000~~] may fulfill the continuing professional education
19 requirement of this section through a correspondence course as
20 provided by Board rule.

21 SECTION 12. Section 14(a), The Plumbing License Law
22 (Article 6243-101, Vernon's Texas Civil Statutes), is amended to
23 read as follows:

24 (a) No person, whether as a master plumber, journeyman
25 plumber, or otherwise, shall engage in, work at, or conduct the
26 business of plumbing in this state or serve as a plumbing inspector
27 as herein defined, except as herein specifically exempted from the

1 provisions of this Act, unless such person is the holder of a valid
2 license or endorsement as provided for by this Act. It shall be
3 unlawful for any person, firm, or corporation to engage in or work
4 at the business of installing plumbing and doing plumbing work
5 except as specifically herein provided unless such installation of
6 plumbing or plumbing work be under the active supervision and
7 control of a plumber licensed under this Act. A license holder may
8 not act as a water supply protection specialist unless the license
9 holder has the appropriate license endorsement under Section 11A or
10 11B of this Act.

11 SECTION 13. Section 15, The Plumbing License Law (Article
12 6243-101, Vernon's Texas Civil Statutes), is amended by adding
13 Subsections (d), (e), and (f) to read as follows:

14 (d) A person holding a master plumber's license may not act
15 as a master plumber unless the master plumber has submitted to the
16 Board a certificate of insurance that meets the requirements of
17 Subsection (c) of this section.

18 (e) A municipal utility district having boundaries that
19 overlap the boundaries of a municipality is the controlling
20 jurisdiction and is the only entity that may perform required
21 plumbing inspections in an area located in both the municipal
22 utility district and the municipality. A municipality may perform
23 its own inspection under this subsection if the inspection
24 performed by the municipal utility district responsible for
25 conducting the inspection is not performed by a state-licensed
26 plumbing inspector or if the municipality has inspection standards
27 that are stricter than the municipal utility district's standards.

1 (f) A municipal utility district or municipality performing
2 a plumbing inspection in an area in which the boundaries of those
3 entities overlap may only collect an inspection permit fee if the
4 entity is entitled to perform the inspection under Subsection (e)
5 of this section.

6 SECTION 14. Section 12A, The Plumbing License Law (Article
7 6243-101, Vernon's Texas Civil Statutes), is repealed.

8 SECTION 15. (a) Except as otherwise provided by this
9 section, this Act takes effect September 1, 1997.

10 (b) The Texas State Board of Plumbing Examiners shall adopt
11 rules under Section 5(d), The Plumbing License Law (Article
12 6243-101, Vernon's Texas Civil Statutes), as amended by this Act,
13 and rules that implement the continuing education programs required
14 by Section 12B, The Plumbing License Law (Article 6243-101,
15 Vernon's Texas Civil Statutes), as amended by this Act, not later
16 than February 1, 1998.

17 (c) A person performing plumbing services who must obtain a
18 license because of the changes made by this Act to Section 3, The
19 Plumbing License Law (Article 6243-101, Vernon's Texas Civil
20 Statutes), is not required to obtain a master or journeyman plumber
21 license to perform those functions until February 1, 1998.

22 (d) A master plumber who holds a license on the effective
23 date of this Act is not required to obtain a certificate of
24 insurance under Section 15(d), The Plumbing License Law (Article
25 6243-101, Vernon's Texas Civil Statutes), as added by this Act,
26 until February 1, 1998.

27 SECTION 16. The importance of this legislation and the

1 crowded condition of the calendars in both houses create an
2 emergency and an imperative public necessity that the
3 constitutional rule requiring bills to be read on three several
4 days in each house be suspended, and this rule is hereby suspended.

BILL ANALYSIS

Senate Research Center

C.S.S.B. 805

By: Brown

State Affairs

3-31-97

Committee Report (Substituted)

DIGEST

The Plumbing License Law (Article 6243-101, V.T.C.S.) has been amended numerous times, and the State Board of Plumbing Examiners' rules have further changed the regulatory climate under which plumbing is performed in the state. In addition, changes in technology have altered the nature and regulation of plumbing and related practices.

This bill would strengthen oversight of plumbing apprentices, expand the number of consumers protected by the law, and abolish duplicate permitting requirements in areas that are governed by standards established by municipalities and municipal utility districts.

PURPOSE

As proposed, C.S.S.B. 805 sets forth provisions for the regulation of the practice of plumbing.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas State Board of Plumbing Examiners in SECTIONS 5, 6, 9, and 11 (Sections 5(a), 8(e), 8C(c), and 12(a), Article 6243-101, V.T.C.S.) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Article 6243-101, V.T.C.S. (The Plumbing License Law), to redefine "plumbing," "master plumber," and "plumbing inspector."

SECTION 2. Amends Section 3, Article 6243-101, V.T.C.S., to require plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of any organized city, town, or village in this state, rather than plumbing work done outside the municipal limits of any organized city, town, or village in this state or within any such city, town or village of less than 5,000 inhabitants, unless required by ordinance on such city, town or village of less than 5,000 inhabitants, to be permitted without license.

SECTION 3. Amends Section 3A(a), Article 6243-101, V.T.C.S., to delete the citation that previously defined the requirement under this section. Makes a conforming and nonsubstantive changes.

SECTION 4. Amends Section 4(a), Article 6243-101, V.T.C.S., to require one member of the Texas State Board of Plumbing Examiners (board) to be a licensed professional, rather than sanitary, engineer knowledgeable in the practice of plumbing engineering and design, among other conditions.

SECTION 5. Amends Sections 5(a) and (d), Article 6243-101, V.T.C.S., to require the board, by rule, to require apprentices to register with the board. Requires, rather than authorizes, the board to recognize, prepare, or implement continuing education programs for licensees and endorsees. Deletes a provision stating that participation in the programs is voluntary.

SECTION 6. Amends Section 8, Article 6243-101, V.T.C.S., to authorize a license holder whose license was eligible for renewal when the license holder retired and who is not actively engaged in the business of plumbing to apply for retired status. Requires the board, by rule, to adopt procedures and requirements for placing a license on retired status. Provides that a license holder on retired status

is not required to complete continuing education while the person is on retired status.

SECTION 7. Amends Section 8A(e), Article 6243-101, V.T.C.S., to require each written contract for plumbing services in this state, rather than services of a licensed plumber, to contain the name, mailing address, and telephone number of the board.

SECTION 8. Amends Section 8B, Article 6243-101, V.T.C.S., to redesignate this section as Section 8D. Requires, rather than authorizes, each plumbing inspector to enforce this Act. Provides that this section does not require a municipality to deploy inspectors to enforce this Act other than to require a municipality to issue permits only to master plumbers.

SECTION 9. Amends Sections 8C(a) and (c), Article 6243-101, V.T.C.S., to authorize a person who holds a medical gas endorsement to inspect medical gas piping installations. Provides that an endorsement under this section is valid for three years and may be renewed as provided by board rule, rather than on or before February 1, or as provided by Section 12A of this Act, in the same manner as a license renewal under Section 12 of this Act.

SECTION 10. Amends Sections 9(a), (c), (d), and (e), Article 6243-101, V.T.C.S., to require the board to revoke or suspend a license or endorsement, probate a license or endorsement suspension, or reprimand a licensee or registrant for any violation of this Act or rules of the board. Authorizes any person whose license or endorsement has been revoked to apply to the board for a new license or endorsement after the expiration of one year from the date of such revocation. Provides that if the board proposes to refuse a person's application for a license or endorsement, rather than licensure, or to suspend or revoke a person's license or endorsement, the person is entitled to a hearing before the board. Makes conforming and nonsubstantive changes.

SECTION 11. Amends Section 12, Article 6243-101, V.T.C.S., to delete a provision requiring the board to forward to a certain authority the names and addresses of all persons in such towns to whom such licenses have been granted. Requires a license to be issued for one year and may be renewed annually, rather than on or before February 1st or as provided by Section 12A of this Act, upon payment of the required fee. Authorizes the board to adopt rules under which licenses or endorsements expire on various dates throughout the year. Authorizes a person to pay a renewal fee to the board under certain conditions and a fee for an endorsement, that is one-half of the registration fee, among other conditions. Requires the licensee to notify the board of any change of the person's name or address not later than the 30th day after the date of the change. Makes conforming and nonsubstantive changes.

SECTION 12. Amends Sections 12B(a) and (d), Article 6243-101, V.T.C.S., to provide that a person holding a license or endorsement under this Act, rather than a person who lives in a county having no city with a population in excess of 100,000, to fulfill the continuing professional education requirement of this section through a correspondence course as provided by board rule.

SECTION 13. Amends Section 14(a), Article 6243-101, V.T.C.S., to provide that it is unlawful for any person, firm, or corporation to engage in or work at the business of installing plumbing and doing plumbing work unless such installation of plumbing or plumbing work is done under the active supervision and control of a plumber licensed under this Act.

SECTION 14. Amends Section 15, Article 6243-101, V.T.C.S., by adding Subsections (d), (e), and (f), as follows:

(d) Prohibits a person holding a master plumber's license from acting as a master plumber unless the master plumber has submitted to the board a certificate of insurance that meets the requirement of Subsection (c) of this section.

(e) Provides that a municipal utility district having certain boundaries is the controlling jurisdiction and the only entity that may perform required plumbing inspections in an area located in both the municipal utility district and the municipality. Authorizes a municipality to perform its own inspections under certain conditions.

(f) Authorizes a municipal utility district or municipality performing a plumbing inspection in an area in which the boundaries of those entities overlap to collect only an inspection permit fee under certain conditions.

SECTION 15. Repealer: Section 12A, Article 6243-101, V.T.C.S. (Expiration Date of Licenses; Proration of Fees).

SECTION 16. (a) Effective date: September 1, 1997, except as otherwise provided by this section.

(b) Requires the Texas State Board of Plumbing Examiners to adopt rules under Sections 5(d) and 12B, Article 6243-101, V.T.C.S., not later than February 1, 1998.

(c) Provides that a person performing plumbing service who must obtain a license because of the changes made by this Act to Section 3, Article 6243-101, V.T.C.S., is not required to obtain a master or journeyman plumber license to perform those functions until February 1, 1998.

(d) Provides that a master plumber who holds a license on the effective date of this Act is not required to obtain a certificate of insurance under Section 15(d), Article 6243-101, V.T.C.S., as added by this Act, until February 1, 1998.

SECTION 17. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes proposed Section 2(4), Article 6243-101, V.T.C.S.

SECTION 2.

Amends Section 3, Article 6243-101, V.T.C.S., to require plumbing work done on a single family residential property not connected to a public water system and located outside the municipal limits of an organized city, town, or village in this state to be permitted without a license. Includes certain provisions to a list of acts, works, or conduct requires to be expressly permitted without a license which were originally deleted in the proposed version.

SECTION 4.

Amends Section 4(a), Article 6243-101, V.T.C.S., to require one member of the Texas State Board of Plumbing Examiners (board) to be a licensed professional, rather than sanitary, engineer knowledgeable in the practice of plumbing engineering and design among other conditions.

SECTION 5.

Amends Sections 5(a) and (d), Article 6243-101, V.T.C.S., to authorize the board to require apprentices to register with the board. Requires the board to recognize, prepare, or implement continuing education programs for licensees and endorsees, rather than for licensees, endorsees, and plumber's apprentices.

SECTION 6.

Amends Section 8, Article 6243-101, V.T.C.S., to delete the proposed new heading for Section 8. Deletes proposed Section 8(e) and redesignates proposed Subsection (f) as new Subsection (e).

SECTION 8.

Amends Section 8A(e), Article 6243-101, V.T.C.S., to provide that this section does not require a municipality to deploy inspectors to enforce this Act other than to require a municipality to issue permits only to master plumbers.

SECTION 9.

Amends Section 8C(a), Article 6243-101, V.T.C.S., to delete provisions requiring the board to issue a medical gas piping endorsement to a plumbing inspector who meets the requirements for an endorsement under this section and authorizing certain plumbing inspectors to inspect medical gas installations. Adds a provision authorizing a person who holds a medical gas endorsement to inspect medical gas piping installations.

SECTION 10.

Amends Sections 9(a), (c), (d), and (e), Article 6243-101, V.T.C.S., to delete a certificate of registration from all of the provisions for a license or endorsement under this section.

SECTION 11.

Amends Section 12, Article 6243-101, V.T.C.S., to make conforming and nonsubstantive changes.

SECTION 12.

Amends Sections 12B(a) and (d), Article 6243-101, V.T.C.S., to make conforming and nonsubstantive changes.

SECTION 13.

Amends Section 14(a), Article 6243-101, V.T.C.S., to delete a plumber's apprentice from the list of persons who shall not engage in, work at, or conduct the business of plumbing under certain circumstances. Provides that it is unlawful for a person to engage in or work at the business of plumbing unless such installation or plumbing or plumbing work is done under the active, rather than direct, supervision and control of a plumber licensed under this Act.

SECTION 14.

Amends Section 15, Article 6243-101, V.T.C.S., to delete proposed Subsection (e) and (f) and adds new Subsections (e) and (f), to authorize a municipal utility district having certain boundaries to perform required plumbing inspections in an area located in both the municipal utility district and the municipality. Authorizes a municipality to perform its own inspections under certain conditions. Authorizes a municipal utility district or municipality performing a plumbing inspection in an area in which the boundaries of those entities overlap to collect an inspection permit fee under certain conditions.

SECTION 16.

Deletes proposed Subsections (b) and (e) and rennumbers proposed Subsections (c), (d), and (f) as new Subsections (b), (c), and (d).

BILL ANALYSIS

LICENSING & ADMINISTRATIVE PROCEDURES

C.S.S.B. 805

By: Brown (Lewis, Ron)

4-28-97

Committee Report (Substituted)

BACKGROUND

The Plumbing License Law (Article 6243-101, V.T.C.S.) has been amended numerous times, and State Board of Plumbing Examiners rules have further changed the regulatory climate under which plumbing is performed in the state. In addition, changes in technology have altered the nature and regulation of plumbing and related practices. Revisions in the law are needed to provide for stronger consumer protection and a less cumbersome regulatory climate and to ensure that all parts of the law are complementary.

PURPOSE

C.S.S.B. 805, as proposed, makes two substantive revisions in the Plumbing License Law and numerous changes that are minor or technical in nature. The bill would expand the number of consumers protected by the law, and abolish duplicative permitting requirements in areas that are governed by standards established by municipalities and municipal utility districts. The bill also permits the Board to adopt a rule requiring apprentices to register with the state. In addition, the bill makes a number of revisions that clarify the law and better reflect current plumbing practices.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does grant additional rulemaking authority to the State Board of Plumbing Examiners by:

- 1) permitting the Board to adopt a rule permitting apprentices to register with the Board in SECTION 5;
- 2) requiring the Board to adopt rules to implement the retired status license in SECTION 6;
- 3) permitting the Board to set times for endorsement renewals in SECTION 8; and
- 4) permitting the Board to set times for license and endorsement renewals in SECTION 10

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2, Plumbing License Law, by amending Subdivisions (1), (2), and (5) as follows:

Expands the definition of "plumbing" to include medical gas and vacuum piping work to reflect current practices.

Refines the definition of "master plumber."

(5) Specifies that plumbing inspectors inspect for compliance with plumbing and gas codes.

SECTION 2. Amends Section 3, Plumbing License Law, by eliminating the exemption provision for areas outside municipalities of 5,000 or less population and the exemption for work done in unincorporated areas on a public water system and by making several technical changes to the existing statute.

SECTION 3. Amends Section 3A(a), Plumbing License Law, by eliminating a reference to a Subsection that has been repealed.

SECTION 4. Amends Section 4(a), Plumbing License Law, by substituting the requirement that one Board position be filled by a sanitary engineer, which is not defined by law, with a requirement that one Board position be filled by a professional engineer, which is defined by law and which has been the established practice.

SECTION 5. Amends Section 5(a) and (d), Plumbing License Law, as follows:

- (a) Permits the Board to adopt a rule to require apprentices to register with the Board.
- (d) Makes the Board's involvement in continuing education mandatory and changes the wording to reflect that current license holders have license endorsements.

SECTION 6. Amends Section 8, Plumbing License Law, by changing the heading to reflect that, under this legislation, apprentices must register with the Board and by adding Subsections (e) and (f) as follows:

- Spells out the procedure for apprentices to register with the Board.
- Creates a new category of licensing for retired plumbers.

SECTION 7. Amends Section 8A(e), Plumbing License Law, to clarify that consumer protection measures that require a license holder to contain the name and information about the Board apply only contracts relating to plumbing.

SECTION 8. Amends Section 8C(a) and (c), Plumbing License Law, as follows:

- (a) Expands the persons eligible to receive a medical gas endorsement to include plumbing inspectors.
- Provides flexibility for the Board to renew endorsements by rule.

SECTION 9. Amends Sections 9(a), (c), (d), and (e), Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements.

SECTION 10. Amends Section 12, Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements and by providing the Board flexibility to periodically renew licenses, endorsements and registrations by rule. This Section also requires a license holder or registrant to notify the Board of a change name or address within one month of the change.

SECTION 11. Amends Sections 12B(a) and (d), Plumbing License law, as follows:

- (a) Changes the wording to reflect that current license holders have license endorsements.
- (d) Changes the wording to reflect that current license holders have license endorsements. This Subsection also gives the Board greater flexibility in establishing rules for correspondence course for continuing education.

SECTION 12. Amends Section 14(a), Plumbing License Law, by changing the wording to reflect that current license holders have license endorsements. This Section also clarifies that apprentices must work under the active supervision of a license holder.

SECTION 13. Amends Section 15, Plumbing License Law, by adding Subsections (d), (e), and (f) as follows:

Requires that master plumbers submit proof of insurance to the Board.

Eliminates dual inspections in areas that are within a municipality and a municipal utility district. This Subsection delegates the inspection authority to the MUD or to the jurisdiction with the strictest inspection standards.

Prohibits a municipality or municipal utility district from collecting an inspection fee unless the jurisdiction is entitled to perform an inspection as outlined in the previous Subsection.

SECTION 14. Repeals Section 12A dealing with renewal schedules addressed in SECTION 9 of this legislation.

SECTION 15. Effective date and transition language.

SECTION 16. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

The House Committee Substitute makes three changes from the Senate engrossed bill.

First, the Senate bill refined the rural exemption found in SECTION 2 by creating a 1,000 municipal population limit under which cities would be exempt for the Plumbing License Law. The House Committee Substitute abolished the 1,000 municipal population exemption language.

Second, the Senate bill contained a SECTION 8 which required municipalities to enforce the Plumbing License Law and spelled out the method by which cities would handle the enforcement. The House Committee Substitute eliminated this SECTION.

Finally, the Senate bill in SECTION 9 stated that "a person" who holds a medical gas endorsement could inspect medical gas piping work. The House Committee Substitute states that "an inspector" who holds a medical gas endorsement could inspect medical gas piping work.

S.B. No. 805

By Brown

A BILL TO BE ENTITLED

AN ACT:

relating to the regulation of the practice of plumbing.

FEB 26 1997

Filed with the Secretary of the Senate

MAR 4 1997

Read and referred to Committee on STATE AFFAIRS

Reported favorably _____

APR 2 1997

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

APR 18 1997

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

{ unanimous consent
____ yeas, ____ nays

APR 18 1997

Read second time, amended, and ordered engrossed by:

{ unanimous consent
a viva voce vote
____ yeas, ____ nays

APR 18 1997

Senate and Constitutional 3 Day Rule suspended by a vote of 29 yeas, 0 nays.

APR 18 1997

Read third time, _____, and passed by:

{ A viva voce vote
____ yeas, ____ nays

Patsy King
SECRETARY OF THE SENATE

OTHER ACTION:

APR 18 1997

Engrossed

MAY 26 1997

POINT OF ORDER SUSTAINED
Returned to Committee

April 21, 1997 Sent to House

Engrossing Clerk

APR 21 1997

Received from the Senate

APR 22 1997

Read first time and referred to Committee on Law Licensing & Administrative Procedure

Apr. 28, 1997

Reported ____ favorably (~~as amended~~) (as substituted)

MAY 10 1997

Sent to Committee on (Calendars) (~~Local & Consent Calendars~~)

Read second time (comm. subst.) (amended); passed to third reading (failed) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Constitutional rule requiring bills to be read on three several days suspended (failed to suspend) by a vote of ____ yeas, ____ nays, ____ present, not voting.

Read third time (amended); finally passed (failed to pass) by a (non-record vote) (record vote of ____ yeas, ____ nays, ____ present, not voting)

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with ____ amendments.

Concurred in House amendments by a viva voce vote ____ yeas, ____ nays.

_____ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

_____ Senate conferees instructed.

_____ Senate conferees appointed: _____, Chairman; _____
_____, _____, and _____

_____ House granted Senate request. House conferees appointed: _____, Chairman;
_____, _____, _____

_____ Conference Committee Report read and filed with the Secretary of the Senate.

_____ Conference Committee Report adopted on the part of the House by: _____

{ a viva voce vote
_____ yeas, _____ nays

_____ Conference Committee Report adopted on the part of the Senate by:

{ a viva voce vote
_____ yeas, _____ nays

OTHER ACTION:

_____ Recommitted to Conference Committee

_____ Conferees discharged.

_____ Conference Committee Report failed of adoption by: _____

{ a viva voce vote
_____ yeas, _____ nays

91631-6-11-15

11-11-15